SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 26, 2005

8:30 A.M.

(PAGES 7521 THROUGH 7577)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 7521

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1 I N D E X
2
3 Note: Mr. Sneddon is listed as ?SN? on index.
4 Mr. Zonen is listed as ?Z? on index. Mr. Auchincloss is listed as ?A? on index.
5 Mr. Nicola is listed as ?N? on index. Mr. Mesereau is listed as ?M? on index.
6 Ms. Yu is listed as ?Y? on index. Mr. Sanger is listed as ?SA? on index.
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9 PLAINTIFF'S
10 WITNESSES DIRECT CROSS REDIRECT RECROSS
11 MONTGOMERY, Cynthia 7526-N 7565-M
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1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 16 Photo of Frederic Marc Schaffel 7528 7529
5 251 Xtra Jet, SBSO #1350,
6 6/8/03 - 6/13/03, Chris Carter, E. Jackson,
7 Jose Rivera, M. Jackson, M.J. Jackson, Jr., P.M.
8 Jackson, P.J.J. Jackson, Patricia Chavez 7540 7542
9 252 Xtra Jet, SBSO #1677
10 9/1/03, Michael Jackson, Prince, Paris, M. Prince
11 Jackson, Grace Rwaramba 7540
12 253 Xtra Jet, SBSO #1677,
13 9/9/03 - 9/12/03, Michael Jackson, J. Jackson,
14 Paris-Michael Jackson, Prince M. Jackson, Grace
15 Rwaramba, Karen Faye, Joseph Eric Jeszeck,
16 Dieter Weizner 7540 7544
17 254 Xtra Jet, SBSO #1503, 3/24/03, Grace Rwaramba,
18 Michael Jackson, M.J. Jackson, P.K. Jackson,
19 Patricia Chavez, Christopher Carter, Elijah
20 Jackson, Jose Rivera, Levon Jackson 7547 7548
21 848 Two-page passenger name
22 record 7557 7560
23 849 Passenger name record 7557 7560
24
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28 7524

Santa Maria, California
Tuesday, April 26, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE JURY: (In unison) Good morning.
THE COURT: Counsel, are you ready to
proceed?
MR. NICOLA: We are, Your Honor. We'd be
calling Cynthia Montgomery. And she's on her way
in.
THE COURT: When you get to the witness
stand, please remain standing. Please face the
clerk and raise your right hand.

CYNTHIA C. MONTGOMERY
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and
spell your name for the record.
THE WITNESS: Cynthia C. Montgomery.
C-y-n-t-h-i-a; C, middle name; M-o-n-t-g-o-m-e-r-y.
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// 7525

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Good morning, Miss Montgomery.
A. Good morning, Mr. Nicola.
Q. There's some water right there. You were asking about that this morning.
A. Okay. Thanks.
Q. Could you scoot closer to that second mike there?
A. Better?
Q. Try to keep your voice up so everyone can hear you.
Could you tell the jury, please, what profession you're in.
A. I'm a travel consultant.
Can you hear me?
THE COURT: That was a little low.
THE BAILIFF: Actually, she needs to move closer.
BAILIFF CORTEZ: There you go. That's fine.
Q. BY MR. NICOLA: Move it up. Why don't we try that again.
What's your profession?
A. I'm a travel consultant.
Q. Okay. Do you have your own business?
A. Yes, I do.
Q. And what is it called?
A. Class A Travel. Also Uniglobe Travel. 7526

1 Q. Class A Travel and Uniglobe Travel?
2 A. Correct.
3 Q. You're still very soft-spoken.
4 A. I don't mean to be. Can you hear me now?
5 Q. Where are you based out of?
6 A. Las Vegas. Oops, excuse me.
7 Q. Is that where your family is?
8 A. My husband, yes.
9 Q. How long have you been a travel consultant?
10 A. 21 years.
11 Q. And what kind of clientele do you service?
12 A. 90 percent of my clientele is in the
13 entertainment industry. Primarily musicians.
14 Q. We can still barely hear you.
15 A. Primarily musicians. My clientele is based
16 on the entertainment industry.
17 Q. Okay. And has it always been based on the
18 entertainment industry for clients?
19 A. For the last 15 years, 16 years.
20 Q. Do you have any experience arranging
21 transportation outside of the United States?
22 A. Yes, I do.
23 Q. Does that include air travel?
24 A. Yes, it does.
25 Q. And do you have some amount of experience
26 dealing with foreign embassies and securing visas
27 and passports and things of that nature on behalf of
28 your clients? 7527

A. Yes, I do.
Q. Are you familiar with the entrance requirements, meaning the visa requirements, for a U.S. citizen to get into Brazil by air?
A. Yes, I do. Yes, I am.
Q. Have you arranged for accommodations for any of your clients in the past?
A. Yes, I have.
Q. Okay. Do you know the defendant in this case?
A. Yes, I do.
Q. Mr. Jackson?
A. Correct.
Q. And how do you know him?
A. Through Mr. Schaffel.
Q. Okay. I'd like to show you --
MR. SANGER: Tom.
MR. NICOLA: Oh, Mr. Mesereau?
MR. MESEREAU: (Nods head up and down.)
MR. NICOLA: May I approach, Your Honor?
THE COURT: Yes.
Q. BY MR. NICOLA: Showing you Exhibit No. 16, do you recognize that individual?
A. Yes, I do.
Q. And who is that?
A. Marc -- Frederic Marc Schaffel.
MR. NICOLA: Your Honor, we'd move 16 into evidence at this time. 7528

MR. MESEREAU: No objection.
THE COURT: It's admitted.
Q. BY MR. NICOLA: Does Mr. Schaffel go by the names "Fred" or "Marc"?
A. Yes, he does.
Q. And what do you call him?
A. Fred.
Q. Fred. Okay. And how do you know Mr. Schaffel?
A. Through a man by the name of Steven Doolittle. They were business associates.
Q. How long have you known Mr. Schaffel?
A. I believe almost 20 years.
Q. 20 years? Are you two friends?
A. Not anymore.
Q. Okay. Had you been friends for the majority of that 20 years?
A. Yes.
Q. And you met Mr. Jackson through Mr. Schaffel?
A. That's correct.
Q. At some point in time did Mr. Jackson become a client of yours?
A. Yes, he did.
Q. And around when was that?
A. The latter part of 2000.
Q. Okay. And what did you do for Mr. Jackson 7529

in that period of time, just very generally, please?
A. Arranged for his private jet transportation.
Q. Okay. And did you cease working for him in that capacity for some period of time in 2002?
A. Yes, I did.
Q. Okay. And when did you resume your duties, your activities, with respect to arranging Mr. Jackson's private air travel?
A. I believe the latter part of 2002. I can't be certain of the date.
Q. Okay. Later in the year?
A. I believe so.
Q. During the period of time that Mr. Jackson was a client of yours, did you have occasion to meet any of his associates?
A. Yes, I did.
Q. Did you meet a man named Dieter Weizner?
A. Yes, I did.
Q. Did you know what his capacity was with respect to Mr. Jackson?
A. Yes, I do.
Q. What is that?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. NICOLA: How did you know Mr. Weizner?
A. I met him through Mr. Schaffel.
Q. Okay. Is it Weizer or Weizner? 7530

A. Dieter Weizner, is the way I was told to pronounce it.
Q. Okay. And was he associated with Mr. Jackson, to your knowledge?
A. Yes.
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. NICOLA: Do you know what the relationship was between Mr. Weizner -- Weizner. Weezner --
A. Weizner.
Q. -- and Mr. Jackson?
A. Could you repeat that? I'm sorry.
Q. Did you know what the relationship was between them?
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
You may answer that question. It should be answered □yes□ or □no.□
THE WITNESS: Yes.
Q. BY MR. NICOLA: Okay. And how did you come to that knowledge?
A. By Mr. Schaffel and being around them.
Q. Okay. Did any of that information come from Mr. Weizner?
A. I was with Mr. Weizner on certain occasions.
Q. With Mr. Jackson present?
A. Twice. 7531

Q. Okay. And did Mr. Weizner represent himself to you as having any business relationship with Mr. Jackson at the time?
A. Yes.
Q. And what was that?
A. He was -- he owned the merchandise company for Mr. Jackson.
Q. Okay. I'd like to approach and show you Exhibit No. 17 and 18.
Do you recognize the man in Exhibit 17?
A. I do.
Q. And who is that?
A. Dieter Weizner.
Q. In addition, do you recognize the man in Exhibit 18?
A. I do.
Q. And who is that?
A. Ronald Konitzer.
Q. How do you recognize Mr. Konitzer?
A. I met him in Las Vegas.
Q. Okay. And through whom did you know him?
A. Mr. Schaffel.
Q. Do you know a man by the name of Frank Cascio?
A. I do.
Q. Have you met him before?
A. Once.
Q. I'd like to show you Exhibit No. 20. Do you 7532

1 recognize the man in Exhibit 20?
2 A. I do.
3 Q. And who is that?
4 A. Mr. Cascio.
5 Q. Did you ever have occasion to meet a man by
6 the name of Vinnie or Vincent Black?
7 A. No.
8 Q. Okay. How about Vinnie or Vincent Amen?
9 A. I don't recall meeting him. I know who he
10 is.
11 Q. Did you ever make flight arrangements for
12 Mr. Amen?
13 A. Yes, I did.
14 Q. Did you ever make flight arrangements for
15 Mr. Cascio?
16 A. I did.
17 Q. How about Mr. Konitzer?
18 A. Yes, I did.
19 Q. How about Mr. Weizner?
20 A. Yes, I did.
21 Q. When you made these travel arrangements,
22 were they in connection with flights that Mr.
23 Jackson was also taking?
24 A. Sometimes.
25 Q. Okay. How about if they were by private
26 jet?
27 A. Sometimes.
28 Q. Okay. And at other times what kind of 7533

1 arrangements did you make for those men?
2 A. Commercial flights.
3 Q. Okay. Now, with respect to the period of
4 late 2002 and up to late September of 2003, did you
5 have multiple occasions to make flights for Mr.
6 Jackson where Mr. Konitzer or Mr. Weizner were also
7 on the same flight?
8 A. Yes, I did.
9 Q. Okay. Who made arrangements for those
10 flights? In other words, who contacted you to set
11 the flights up?
12 A. There would have been two people.
13 Q. Let's start with the first person.
14 A. Michael's assistant, Evvy Tavasci.
15 Q. And did she contact you through a company
16 that she was working in? Was there a company name
17 associated with Evvy Tavasci?
18 A. Yes.
19 Q. What was that?
20 A. MJJ Productions.
21 Q. Okay. So Ms. Tavasci would contact you and
22 then what would happen?
23 A. I would arrange for jets or commercial
24 flights per her instructions.
25 Q. She would send you instructions about where
26 Mr. Jackson wanted to go?
27 A. Correct.
28 Q. And then you would do what? 7534

A. I would make a phone call to reserve a jet for him.
Q. Okay. Was there a company that you worked with primarily in reserving a jet for Mr. Jackson?
A. Yes.
Q. And what was that company?
A. Xtra Jet.
Q. Okay. Did Miss Tavasci ever contact you to arrange travel for Mr. Amen, Mr. Cascio, Mr. Konitzer, or Mr. Weizner that did not involve commercial aircraft? Excuse me --
A. Yes.
Q. Excuse me, private aircraft.
A. No.
Q. Who was the second person that contacted you to arrange travel?
A. Fred Marc Schaffel.
Q. And did he work through a company?
A. Yes.
Q. And what was the name of that company?
A. Neverland Valley Entertainment.
Q. Okay. And was that his company, to your knowledge?
A. And Mr. Jackson's.
Q. A joint company?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
MR. MESEREAU: Move to strike. 7535

THE COURT: Strike the answer.
Q. BY MR. NICOLA: Just a yes or no question:
Do you know who the principals of Neverland Valley Entertainment were?
A. Yes.
Q. And how did you come to that knowledge?
A. Through Mr. Schaffel.
Q. Was it something Mr. Schaffel told you?
A. Yes.
Q. What did he tell you about the principals of Neverland Valley Entertainment?
MR. MESEREAU: Objection. Hearsay and foundation.
THE COURT: Sustained.
MR NICOLA: We'd be offering them under admissions, Your Honor, of agents.
THE COURT: Excuse me?
MR. NICOLA: We'd be offering them under admissions of agents, Your Honor.
THE COURT: The objection is sustained.
Q. BY MR. NICOLA: Okay. When Mr. Schaffel contacted you, was it always on behalf of Neverland Valley Entertainment?
MR. MESEREAU: Objection; leading.
MR. NICOLA: Let me rephrase it. I'd like to clean that up, if I may, Your Honor.
THE COURT: Go ahead.
Q. BY MR. NICOLA: When Mr. Schaffel contacted 7536

you with respect to making flights or travel
arrangements, was it always through Neverland Valley
Entertainment?
A. Could you be more specific?
Q. Certainly. For travel arrangements -- did
Mr. Schaffel ever call you to make travel
arrangements for Mr. Jackson?
A. Yes.
Q. And did he do that through Neverland Valley
Entertainment?
A. Most of the time, yes.
Q. Most of the time, yes.
Did he ever make those arrangements for Mr.
Jackson through MJJ Productions?
A. Yes.
Q. Okay. Let's talk about how the arrangements
were made.
If Mr. Schaffel or Miss Tavasci called you
and wanted to arrange a flight for Mr. Jackson, who
would be responsible for paying the bill for that
flight?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. NICOLA: Do you know how billing was
arranged?
A. Yes, I do.
Q. Okay. Please explain that to the jury.
A. Um -- 7537

MR. MESEREAU: Same objection. Foundation.
THE COURT: Sustained.
Q. BY MR. NICOLA: How -- do you know how the billing was arranged for the private flights for Mr. Jackson that you arranged?
MR. MESEREAU: Objection. Foundation and assumes facts not in evidence, no personal knowledge.
THE COURT: Sustained.
Q. BY MR. NICOLA: Do you have personal knowledge of how the billing was arranged for the private flights that you set up for Mr. Jackson?
A. Yes.
Q. Explain that for the jury, please.
MR. MESEREAU: Same objection. Foundation.
THE COURT: Sustained.
Q. BY MR. NICOLA: Who was billed -- or did you do the billing for the private flights that you set up for Mr. Jackson?
A. I did the billing.
Q. You did the billing?
A. Correct.
Q. Okay. Who did you charge for those flights?
A. Two different accounts. Neverland Valley or his business managers, Whitman Fox.
Q. Neverland Valley Entertainment and who else?
A. Bernstein Fox & Whitman Company.
Q. Did you ever bill MJJ Productions? 7538

A. I might have.
MR. MESEREAU: Move to strike. Speculation.
THE COURT: Sustained.
Q. BY MR. NICOLA: Do you have any recollection
of whether or not you billed --
THE COURT: I'll strike that. I'm sorry, I
just wanted the record to reflect I struck that.
MR. NICOLA: Oh, I'm sorry, Your Honor.
Q. Do you have any recollection of billing MJJ
Productions directly?
A. I might have.
MR. MESEREAU: Move to strike; speculation.
MR. NICOLA: Let me ask you a different
question.
THE COURT: Stricken.
Q. BY MR. NICOLA: Did you ever pay for those
flights prior to being reimbursed?
A. Yes.
Q. Okay. Could you explain how that would come
about?
A. Well, I act as an agent, second party. I
would be invoiced by Xtra Jet and, in turn, I would
invoice one of the companies. I've --
Q. Okay. So Xtra Jet would send you the bill?
A. That's correct.
Q. And that's how you would know the billing
was arranged?
A. That's correct. 7539

Q. Then you would send an invoice to which companies to get payment?
A. Depending on which company I was instructed to bill. Either Neverland Valley or MJJ or Bernstein Fox.
Q. And who would --
A. -- invoice MJJ. Sorry?
Q. Who would you receive billing instructions from?
A. Either Mr. Schaffel or Miss Tavasci.
Q. As part of your responsibility in arranging flights for Mr. Jackson to keep the flight manifests as part of your records?
A. It's an FAA requirement.
Q. Okay. Could you tell us how a flight manifest is transmitted to you with respect to these flights that we're talking about?
A. Either verbally or via fax or e-mail.
Q. Okay. And was that the same as the reservations, the information came to you from Mr. Schaffel or Miss Tavasci?
A. Correct.
MR. NICOLA: Okay. If I may approach the witness again, Your Honor.
Mr. Mesereau, Exhibit 251, 253 and 254.
Now I'm going to approach.
Q. Mrs. Montgomery, I've placed in front of you a three-ring binder, which is opened to a page that 7540

has an exhibit sticker on the bottom right-hand corner, Exhibit No. 251; is that correct?
A. Yes.
Q. Do you recognize that document?
A. I do.
Q. Okay. And can you please turn the pages and review each of the documents in that section labeled 251.
Did you go on to page 252?
A. Did I go to page 253?
Q. 252.
A. No, I did not.
Q. Okay. Do you recognize Exhibit 251, ma'am?
A. Yes, I do.
Q. What is that?
A. It's a flight manifest. It's a bill from Xtra Jet, it's a passenger trip sheet, and it's a trip report from the pilots.
Q. Okay. How do you recognize those documents in Exhibit 251?
A. The first page is addressed to me from Evvy. The second page is the trip sheet from Xtra Jet, which I always get after a flight is terminated. I have an invoice here made out to my company. And I have the pilots' report.
Q. Are the items in Exhibit 251 records that are kept within the normal course and scope of your business as a travel consultant? 7541

A. Yes, they are.
Q. Okay. And do you regularly rely upon the contents of those documents in Exhibit 251 in the regular course and scope of your business?
A. Yes.
Q. Okay. And is the information contained within the documents in Exhibit 251 recorded at or near the time of the event purported?
A. Yes, they are.
MR. NICOLA: Okay. We'd move 251 into evidence, Your Honor.
MR. MESEREAU: Objection. Foundation, hearsay, and authentication.
THE COURT: All right. It's admitted. It's a business record.
MR. NICOLA: Thank you, Your Honor.
Q. Now, with respect to the first page dated June 6th, 2003, of 251.
A. Yes. Yes.
MR. NICOLA: May I have Input 4, Your Honor?
Counsel, do you object to this exhibit?
MR. MESEREAU: No.
Q. BY MR. NICOLA: Mrs. Montgomery, if you would take a look over your shoulder, please. And is that the first page of -- a copy of the first page that you have there in Exhibit 251?
A. Yes, it is. 7542

Q. Okay. And is this an example of how Miss Tavasci would contact you with respect to setting up a flight for Mr. Jackson on a private aircraft?
A. Yes, it is.
Q. And this particular request came to you on June 6th of 2003?
A. That's correct.
Q. There appears to be two columns with names, and that -- are those names provided to you by Miss Tavasci in the regular course of setting these flights up?
A. The normal course.
Q. Okay. The "M. Jackson" on the top and the "Marc Schaffel" on the bottom, are these typically the ways you would set the flights up for Mr. Jackson, using Marc Schaffel's middle name, "Marc," and Mr. Jackson's first initial, "M."?
A. It's the way Evvy would transmit it to me.
Q. Okay. Were there ever occasions when the flight instructions from Ms. Tavasci with respect to who's going to be on the flight, were there ever occasions when those instructions were changed?
A. Yes.
Q. Okay. The flights again, please.
If you could turn the page, please, to Exhibit 253, please. And flip through the documents in Exhibit 253 and review them, please.
A. Okay. 7543

Q. Okay. Do you recognize those documents?
A. I do.
Q. Okay. And do they relate to a flight that you arranged for Mr. Jackson and his entourage on September 12th of 2003?
A. I do. I recognize it.
Q. Okay. Are the contents of Exhibit 253 records of similar nature as Exhibit 251, kept within the normal course and scope of your business, et cetera?
A. Yes.
Q. Did you rely on these documents as well within the regular course of your business?
A. Yes.
Q. And are these copies of your actual records for this flight?
A. Yes.
MR. NICOLA: We'd move Exhibit 253 into evidence, Your Honor.
MR. MESEREAU: Objection. Foundation, hearsay, authenticity.
THE COURT: They're admitted.
MR. NICOLA: If I may have the Elmo again, Your Honor.
THE WITNESS: Can I ask you something? If you're going to show the one with my address, can you block it out, please?
MR. NICOLA: The witness has asked that a 7544

1 particular address on this document be blacked out.
2 BAILIFF CORTEZ: Microphone, sir.
3 MR. NICOLA: I had the mike off.
4 Do you object, Mr. Mesereau?
5 MR. MESEREAU: No.
6 MR. NICOLA: May I have a sticky, please?
7 Q. And is your business name up here on this
8 exhibit?
9 A. Yes, it is.
10 Q. I'm sorry, Mrs. Montgomery.
11 May I have Input 4, Your Honor?
12 These are difficult to work, I'll tell you
13 that right now.
14 Okay. Now, Exhibit 253, this was a flight
15 on September 16th of 2003, and the customer name up
16 there appears to be Class A Travel Services. That's
17 one of your companies?
18 A. Yes, it is.
19 Q. Okay. Did you receive a flight manifest for
20 that particular trip?
21 A. Yes, I did.
22 Q. If you'd turn to page -- the second page of
23 Exhibit 253. Is there a handwritten passenger list?
24 A. Yes, there is.
25 Q. Okay.
26 A. May I reiterate something?
27 I no longer do business as Class A Travel,
28 just for the record. 7545

Q. You do business as a different company?
A. Now I do, correct.
Q. Okay.
A. It's a former company.
Q. But back in the period of time that we're talking about, late 2002 through September of 2003, you did business as Class A Travel and Uniglobe?
A. Back in that period of time, Class A Travel and Travel 21.
Q. Okay. Is Mr. Jackson's name on this list, obviously?
A. Yes.
Q. And was it uncommon for you to get a handwritten passenger list such as this?
A. This is from the pilot of the plane company.
Q. And these are records that you also keep for billing purposes?
A. There's times where I would have these records, yes.
Q. If you could turn to the fourth page.
Let me show that, Your Honor.
Now, is this document the actual request from Miss Tavasci for you to set up a flight on the 16th?
A. Yes, it was. Yes, it is.
Q. And the names on her list, the passenger names are a little bit different; isn't that right?
A. That's correct. 7546

Q. Would that happen on occasion?
A. All the time.
Q. Okay. And finally, if you'd turn to the next page, there appears to be yet another list of individuals for the same flight.
A. That's correct.
Q. And what is the purpose of this document?
A. It was for the U.S. Customs.
Q. Was this an international flight?
A. Yes, it was.
Q. Where did it go?
A. To Canada.
Q. Okay. And then it came back to the U.S.?
A. That's correct.
Q. Do you see the bottom name written on there, Ronald Konitzer?
A. Yes, I do.
Q. Is it uncommon for you to receive records from Xtra Jet with additional names on the list handwritten?
A. No, it's not.
Q. If you could turn to Exhibit No. 254, please, and page through those.
A. Okay.
Q. Do you recognize the contents of Exhibit 254 as records that you kept within the regular course and scope of your business?
A. I do. 7547

1 Q. Okay. Was the information recorded in those
2 documents recorded at or near the time of the events
3 recorded in Exhibit 254?
4 A. Yes.
5 Q. And are they records that you normally rely
6 upon in the course of your business?
7 A. Yes.
8 MR. NICOLA: We'd move Exhibit 254 into
9 evidence, Your Honor.
10 MR. MESEREAU: Objection. Hearsay,
11 foundation, and authenticity.
12 THE COURT: They're admitted.
13 Q. BY MR. NICOLA: Now, 254 contains
14 information with respect to two individual flights;
15 is that correct?
16 A. Yes.
17 Q. And the first three pages relate to a flight
18 from Boca Raton to California on February 25th,
19 2003; is that right?
20 A. Yes.
21 Q. Okay. I'd like to show you the first page
22 of that exhibit, if I may, with Input 4.
23 Now, is this an example that -- a flight
24 that Mr. Schaffel set up for Mr. Jackson?
25 A. It appears to be that way, yes.
26 Q. Do you have a specific recollection of this
27 flight from Boca Raton to -- is that Van Nuys, VNY?
28 A. Yes, it is. 7548

Q. That's in California?
A. Correct.
Q. Do you have a specific recollection of this?
A. I do.
Q. How did that flight get set up, if you remember?
A. I received a phone call from Mr. Schaffel and -- saying he needed an airplane.
Q. Okay. From Florida to California?
A. Correct.
Q. On the 25th --
A. Right.
Q. -- of February of 2003?
A. Right.
Q. Did you receive a passenger list for that flight from anyone?
A. On the third page, it could be the manifest from Evvy. Yes, this is the passenger manifest for this flight.
Q. Okay. And did that come to you in a different format?
A. No. Normal procedure. E-mail.
Q. Okay. The passengers on this Xtra Jet flight were Mr. Jackson, appears to be two of his children, correct?
A. That's correct.
Q. Do you know who Grace Ru -- I can't say that last name. 7549

A. Rwaramba, I believe.
Q. Rwaramba?
A. Yes.
Q. Do you know who that individual is?
A. Yes, I do.
Q. How do you know who she is?
A. I was told.
Q. Is she a frequent flyer with Mr. Jackson?
A. I believe so.
Q. How about Patricia Chavez?
A. Also I know who she is.
Q. Mr. LaPerruque, Mr. Crawford and Mr. Carter, are you familiar with those individuals?
A. With the exception of Daniel Crawford, yes.
Q. How do you know Mr. LaPerruque?
A. Because I was told who he was.
Q. Did he frequently fly with Mr. Jackson?
A. I can't be certain.
Q. Okay. How about Mr. Carter?
A. Yes.
Q. Did he fly with Mr. Jackson frequently?
A. Yes.
Q. Are you familiar with the names Marie Nicole Cascio and Aldo Cascio?
A. Yes.
Q. And are they related to Frank Cascio, to your knowledge?
A. Yes. 7550

Q. Were they also frequently on Mr. Jackson's private aircraft?
A. I won't say frequently.
Q. Not frequently?
A. Correct.
Q. Okay. Before we turn to the second flight that's contained within Exhibit 254, if we could discuss the bottom entry here where it says, "Catering."
Were you responsible for arranging the catering on Mr. Jackson's private aircraft?
A. Yes.
Q. How would you set the catering up?
A. I would call it in to -- I would call it in to Xtra Jet to the representative I worked with there.
Q. Okay. And were you familiar with what Mr. Jackson wanted on his flights?
A. Yes.
Q. He was your client?
A. Yes.
Q. Okay. It was important for you to please him, I suspect?
A. Of course.
Q. Okay. Would you inform Xtra Jet in writing or verbally as to what should be catered for Mr. Jackson?
A. I would forward the manifest -- or the 7551

request from Evvy as well as verbally instruct them.
Q. Were there standard instructions that just were not relayed to you from Miss Tavasci in writing?
A. Yes.
Q. Could you describe one of those requests?
A. She always wanted --
MR. MESEREAU: Objection; hearsay.
THE WITNESS: She told me --
THE COURT: Just a minute.
THE WITNESS: Sorry.
THE COURT: Just a minute.
MR. NICOLA: Just a minute.
THE COURT: Sustained.
Q. BY MR. NICOLA: Okay. Without telling us the content of your conversation with Ms. Tavasci, she would relate the special needs, or any needs for the particular flight, correct?
A. Yes.
Q. Okay. With respect to serving alcohol on Mr. Jackson's private aircraft, Xtra Jet's private aircraft that you arranged for him, did you ever make arrangements for alcohol to be served to Mr. Jackson?
MR. MESEREAU: Objection. Leading and foundation.
THE COURT: Overruled.
You may answer. 7552

THE WITNESS: Yes, I did.
Q. BY MR. NICOLA: Okay. Did you ever make specific instructions as to how Mr. Jackson should be served alcohol?
A. Yes, I did.
Q. With respect to wine, did you ever instruct any Xtra Jet employees on how to serve Mr. Jackson wine?
A. Yes, I did.
Q. Okay. Prior to making those instructions, did you receive information from a Lauren Wallace about how Mr. Jackson wanted his wine served to him?
A. Yes, I did.
Q. Okay. And did you know Lauren Wallace as a flight attendant?
A. Yes. She is.
Q. Was she the primary flight attendant for Mr. Jackson during your period of service?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. NICOLA: Yes, she was?
A. Yes, she was.
Q. Okay. And in what period of time did you receive the instructions from Ms. Wallace?
A. Through the course that we handled his private flights.
Q. Okay. Do you recall what Miss Wallace told 7553

you specifically about how Mr. Jackson was being served his wine?
A. Yes, I do.
Q. Can you please relay that to the jury?
MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: She told me --
Q. BY MR. NICOLA: Could you speak up, please.
A. Lauren Wallace told me that Mr. Jackson had requested that his wine be put into soda cans, and then if she was ever unable -- you can't always ensure that we're always going to have the same flight crew. To respect his privacy and to relay the message to anyone other than her if she was not flying to -- how to serve him.
Q. Okay. So Ms. Wallace told you that was Mr. Jackson's request to her?
A. That's correct.
Q. Could we turn back to Exhibit 253, please? And the last page appears to be an invoice for a flight on March 25th of 2003.
A. You said Exhibit 253?
Q. I'm sorry, I meant 254.
A. Okay.
Q. Please turn to the last page of Exhibit 254.
A. Correct.
Q. Okay. Are there handwritten notes all over 7554

1 that exhibit?
2 A. Yes, there are.
3 Q. Is that your handwriting?
4 A. Yes, it is.
5 MR. NICOLA: If I may have Input 4, Your
6 Honor. Thank you.
7 Q. Now, in the upper left-hand corner, does
8 that exhibit show a billing address for MJJ
9 Productions of Provident Financial Management?
10 A. It does.
11 Q. Did you cross that out?
12 A. I did.
13 Q. And why was that?
14 A. He had terminated his relationship with
15 them.
16 Q. And you were told to bill another entity; is
17 that correct?
18 A. Correct.
19 Q. Did you write that entity's name on the
20 bottom of the document?
21 A. I did.
22 Q. And was that Bernstein, Fox & Whitman?
23 A. Correct.
24 Q. Okay. Did you ever have occasion to keep a
25 passenger profile for Mr. Jackson --
26 A. Um --
27 Q. -- in writing?
28 A. There is a document that I'm aware of in 7555

writing.
Q. Would you turn to Exhibit No. 252.
A. Okay.
MR. NICOLA: I believe I'm finished with the Elmo, Your Honor.
Q. Now, Exhibit 252 appears to be a passenger profile for Mr. Jackson?
A. That's correct.
Q. Did you generate that document?
A. Verbally.
Q. You verbally generated that document?
A. I did.
Q. And for what purpose?
A. For the purpose of his -- it would be on file for Mr. Jackson for his specific needs on board his flights.
Q. Now, are the contents of Exhibit 252 consistent with your instructions to the flight crews of Xtra Jet with regard to how Mr. Jackson should be taken care of with respect to catering?
A. Could you repeat that, please?
Q. Have you read through the exhibit?
A. Yes.
Q. Okay. Are the instructions in there consistent with the instructions that you gave Xtra Jet?
A. They're more specific.
Q. Okay. 7556

A. Mine were general. These are specific.
Q. Is there a specific reference to putting white wine in Diet Coke cans in every flight?
MR. MESEREAU: Objection. Hearsay; foundation.
THE COURT: Sustained.
Q. BY MR. NICOLA: Did you go by the name Cindy Greenberg?
A. I did.
Q. Back when Mr. Jackson was your client?
A. Some of the time.
Q. Okay. And were you listed as one of Mr. Jackson's contact people along with Evvy?
A. Yes.
MR. NICOLA: Okay. If I may approach Madam Clerk.
This is next in order, and this is next in order.
THE CLERK: Mr. Sneddon has the stickies.
MR. NICOLA: Mr. Sneddon has the stickies?
MR. SNEDDON: They're right there.
Q. BY MR. NICOLA: I'm off like a herd of turtles today.
I'd like to show you Exhibits 848 and 849, please.
A. Okay.
Q. Okay. Do you recognize the contents of Exhibit 848? 7557

A. I do.
Q. And that appears to be a two-page document, front and back?
A. Yes.
Q. Okay. Is that a document that you generated?
A. Yes.
Q. And did you do that in the normal course and scope of your business?
A. I did.
Q. And are the entries -- let me ask you this a different way: Is the information in that exhibit recorded at or near the time that the information was recorded?
A. A little vague.
Q. I asked the same question two different ways.
Does the information accurately reflect the entries that you made? You actually entered this information, correct?
A. That is correct.
Q. And can you describe what the exhibit is for the jury? Just generally, and we'll get more specific.
A. It's called a PNR, a passenger name record. It's a reservation made through an airline computer system reflecting someone's flights that they would take. A reservation, basically, with names, 7558

itinerary.
Q. You personally entered this information into the computer system and this is a printout of what you entered?
A. Yes, it is.
Q. Okay. Is it a record you keep in the -- that you keep and rely upon in the ordinary course of your business?
A. Yes.
MR. NICOLA: We'd move 848 into evidence, Your Honor.
THE COURT: Are you looking for the document, Mr. Mesereau?
MR. MESEREAU: Excuse me, Your Honor?
THE COURT: He made a motion to introduce 848 into evidence. I didn't know if you were looking for the document or....
MR. MESEREAU: No, it was produced this morning by the prosecutor. No objection, Your Honor.
THE COURT: All right. There's no objection. I'll admit it.
Q. BY MR. NICOLA: Okay. With respect to Exhibit 849, is that also information that you entered consistent with 848 only with respect to a different client and a different flight?
A. Correct.
Q. Are those reservations for Mr. Fred 7559

1 Schaffel?
2 A. Correct.
3 MR. NICOLA: Okay. We'd move that into
4 evidence as well, Your Honor.
5 MR. MESEREAU: No objection.
6 THE COURT: It's admitted.
7 MR. NICOLA: May I have the "Input 4,"
8 please?
9 Q. I'll show you the first page of Exhibit 848.
10 It works better that way.
11 With respect to generating this reservation,
12 do you recall having a conversation with Mr. Fred
13 Schaffel on or around February 25th of 2003?
14 A. I do.
15 Q. And how did that conversation begin; do you
16 recall?
17 A. He called me and asked me to make --
18 MR. MESEREAU: Objection; hearsay.
19 THE COURT: Sustained.
20 MR. NICOLA: Statements in furtherance, Your
21 Honor.
22 THE COURT: Well, the question was, "How did
23 that conversation begin?" And the answer was, "He
24 called me...," and then she started to volunteer the
25 information. So the objection is sustained.
26 Q. BY MR. NICOLA: Okay. Did he ask you to do
27 something for him?
28 A. Yes. 7560

Q. And what did he ask?
MR. MESEREAU: Same objection.
MR. NICOLA: Our offer of proof is in furtherance.
THE COURT: I'll admit this document under the previous instructions, limited to the use of conspiracy evidence. Remember those conditional instructions I gave you earlier?
All right. Go ahead. It's admitted under those provisions.
MR. NICOLA: Okay, Your Honor.
Q. You can relay what he asked you to do for him, please.
A. He asked me to make flight arrangements for four passengers to Brazil.
Q. Okay. And are the names of those four passengers listed on this document?
A. Yes, they are.
Q. Did you personally highlight the lines within that exhibit prior to court?
A. Yes, I did.
Q. Okay. And are the names listed on this reservation easily available to you to read to the jury?
A. Yes, they are.
Q. Please do so.
A. Arvizo, Janet; Arvizo, Davellin; Arvizo, Star; Arvizo, Gavin. 7561

Q. Did Mr. Schaffel tell you where he wanted the Arvizos to fly to?
A. Yes, he did.
Q. Where?
A. To Brazil, Sao Paulo.
Q. You're going to have to speak up.
A. Sao Paulo, Brazil.
Q. Okay.
A. South America.
Q. Did he make a specific request as to what kind of tickets he wanted --
A. Yes, he did.
Q. -- for the Arvizos? He did?
A. One-way tickets.
Q. Okay. Is it possible for U.S. citizens to get into Brazil with a one-way ticket?
A. No, it's not.
Q. Why is that?
A. For visa reasons, you must have a return ticket to enter the country.
Q. Okay. Did you make arrangements for return tickets for the Arvizos?
A. I did. I chose the date.
Q. You chose the date for their return?
A. I did.
Q. Was that done arbitrarily or did you discuss that with Mr. Schaffel?
MR. MESEREAU: Objection; leading. 7562

THE COURT: Overruled.
THE WITNESS: I chose a date arbitrarily,
and then I called him to tell him what I had done
and the reason why I did it.
Q. BY MR. NICOLA: Okay. When you finished
making these arrangements for the Arvizos to travel
to Brazil, how many days' notice did you give the
airline before the flight?
A. Just a couple days.
Q. Okay. The flight was scheduled to leave on
what date?
A. March the 1st of 2003.
Q. And you made the reservation on the 25th of
February, 2003?
A. That's correct.
Q. What was the cost going to be for that
flight?
A. For a party of four, 15,092.
Q. Were you flying them first class?
A. No.
Q. Those are coach prices?
A. Coach. They were open tickets, basically.
You know, they're expensive.
Q. Did Mr. Schaffel ask you to do anything with
the reservations once they were made?
A. Yes, he did.
Q. What did he ask you to do, please?
MR. MESEREAU: Objection; hearsay. 7563

MR. NICOLA: Same offer of proof, Your Honor.
THE COURT: All right. I'm going to admit this for the limited purpose.
Go ahead.
THE WITNESS: To fax over the itinerary. Because they needed passports.
Q. BY MR. NICOLA: If you'd take a look at the board behind you, there appears to be in the far right, in yellow highlighter, an address for Miss Janet Arvizo that begins at least with 11520, what I believe is Trent. Do you see that on your original document?
A. I do.
Q. Okay. Was that information provided by Ms. Arvizo or Mr. Schaffel?
A. Mr. Schaffel.
Q. Did you ever speak to Ms. Arvizo about these flight arrangements?
A. Not to my recollection, no.
Q. Okay. How about any members of her family?
A. No.
MR. NICOLA: If I may have just a moment, Your Honor.
I just have a few more questions, if that's okay. I don't need the inputs anymore, Judge. Thank you.
Q. Now, with respect to the reservations you 7564

made for the Arvizos to travel to Brazil on March 1st of 2003, assuming they made that flight that left on March 1st, 2003, was there any requirement for them to make the return flight on the date that you chose?
MR. MESEREAU: Objection. Foundation; calls for speculation.
THE COURT: Overruled.
You may answer.
THE WITNESS: No.
Q. BY MR. NICOLA: To your knowledge, would they have been able to stay in Brazil indefinitely?
MR. MESEREAU: Objection. Relevance; calls for speculation; foundation.
THE COURT: Sustained; foundation.
MR. NICOLA: Okay. I believe I have no further questions at this time, Judge.
THE COURT: Cross-examine?
MR. MESEREAU: Yes, please, Your Honor.
If I may, Your Honor, I'm just trying to locate one book.
THE COURT: Go ahead.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good morning.
A. Good morning, Mr. Mesereau.
Q. Miss Montgomery, we have not spoken before, 7565

correct?
A. No, we have not.
Q. And as you know, I'm Tom Mesereau, and I speak for Michael Jackson, okay?
A. I understand.
Q. If I say anything that's not clear to you, please don't answer it, just let me know you don't understand the question, and I'll try and rephrase it, okay?
A. Absolutely.
Q. All right. You are testifying under what is called immunity, correct?
MR. NICOLA: Objection. Misstates the evidence, Your Honor. It's use immunity.
THE COURT: The objection is overruled.
Q. BY MR. MESEREAU: Is that correct?
A. I believe I am, yes.
Q. And you received a grant of immunity yesterday, true?
A. Verbally, I believe I did.
Q. Okay. And immunity means you cannot be prosecuted for statements you make in court today, true?
A. Correct.
Q. Your position was if you did not receive a grant of immunity, you would not testify, correct?
MR. NICOLA: Objection; relevance.
THE COURT: Overruled. 7566

Q. BY MR. MESEREAU: Is that true?
A. Um, per my lawyer's instructions. That's what he requested.
Q. And who is your attorney?
A. Robert Moore.
Q. And he is from Los Angeles, true?
A. Yes.
Q. Your position, through your attorney, was that unless you were immunized from any prosecution based on what you said today, you would not testify as a witness, correct?
A. That's what he asked me to do, yes.
Q. And that's what you agreed to do, correct?
A. That's correct.
Q. When your lawyer made that request in this court, you were present, true?
A. Yes.
Q. And to your knowledge, a legal grant of immunity means no one, particularly in the federal government, can come after you for anything you say today under oath, true?
A. To the best of my knowledge, yes.
Q. And the reason you wanted that legal grant of immunity is because currently there is an FBI investigation into allegations that you and others secretly videotaped Michael Jackson on an Xtra Jet flight, true?
A. I am a witness for that case, yes. 7567

Q. My question to you is, the reason you wanted
a grant of legal immunity was because you know the
FBI is currently investigating allegations that you
and others secretly videotaped Michael Jackson on an
Xtra Jet flight, true?
A. I can't answer that yes or no.
Q. Are you saying that you've never heard of
any FBI investigation into that subject?
A. No. I've spoken to the FBI voluntarily
twice.
Q. Then you're aware of the investigation,
correct?
A. Pertaining to the allegation, correct.
Q. Okay. How long have you known Frederic Marc
Schaffel?
A. Approximately 20 years.
Q. Have you done business with him before?
A. Yes.
Q. What business have you done with him before?
A. Travel arrangements.
Q. Have you done that for him for 20 years?
A. No.
Q. How long have you made travel arrangements
for Marc Schaffel?
A. I couldn't be certain of that.
Q. What's your estimate?
A. Whenever he needed a flight. Ten years,
maybe? 15 years? 7568

Q. When did you last talk to him?
A. November 20th, 2003.
Q. Are you aware that Mr. Schaffel is currently suing Mr. Jackson for millions of dollars?
A. Yes.
Q. You also are currently suing Mr. Jackson, correct?
A. Not for millions of dollars. Yes.
Q. You also are currently suing Mr. Jackson, correct?
A. Yes. He's suing me.
Q. Mr. Jackson is suing you for invasion of privacy, correct?
A. I believe so.
Q. Are you represented by counsel in Mr. Jackson's suit against you for invasion of privacy?
A. I am.
Q. And who is your lawyer on that case?
A. Robert Moore.
Q. And who is representing you in your suit against Mr. Jackson?
A. Mr. Moore.
Q. Okay. Now, you're aware that if Mr. Jackson is convicted in this case, Mr. Schaffel will have a much easier time winning his suit, right?
MR. NICOLA: Objection. Calls for speculation and it's argumentative.
THE COURT: Sustained; speculation. 7569

Q. BY MR. MESEREAU: If Mr. Jackson is convicted in this case, you would have an easier time winning your suit, wouldn't you?
A. No, I would not.
MR. NICOLA: Same objection, Your Honor.
THE COURT: Sustained.
MR. NICOLA: Move to strike the answer.
THE COURT: Stricken.
BAILIFF CORTEZ: Your microphone, sir. Your microphone, sir.
Q. BY MR. MESEREAU: The lawsuit Mr. Jackson has filed against you has to do with an Xtra Jet flight on November 21st, 2003, correct?
A. No, sir. It's November 20th.
Q. Okay. My mistake.
A. But to answer your question, yes.
Q. So November 20th of 2003 was the flight?
A. Yes.
Q. That's the flight that is the subject of controversy in the litigation, true?
A. That's correct.
Q. All right. And you said you last talked to Mr. Schaffel around that time; is that true?
A. Yes, it is.
Q. Mr. Schaffel wasn't on that flight, to your knowledge, true?
A. Yes. No, he was not on that flight.
Q. But you're aware that Mr. Jackson was 7570

secretly recorded --
A. I learned that after.
Q. -- and videotaped on that flight, true?
A. I learned it after the fact.
Q. Are you the one who made arrangements for Mr. Jackson to fly on that particular flight?
A. I made arrangements like I normally do for him.
Q. And did you make arrangements for Mr. Jackson to fly on an Xtra Jet flight on November 20th, 2003?
A. Yes, I did.
Q. Did you ever talk to Mr. Schaffel about those flight arrangements?
A. Yes, I did.
Q. And you're aware that not only was Mr. Jackson secretly videotaped on the flight but someone tried to sell that videotape, right?
MR. NICOLA: Objection. Calls for hearsay and relevance and vague as to someone.
THE COURT: Sustained.
Q. BY MR. MESEREAU: The allegations against you in that case are that Mr. Jackson was secretly videotaped and recorded and that efforts were made to sell that for profit, true?
MR. NICOLA: Objection; calls for hearsay.
MR. MESEREAU: State of mind, Your Honor.
MR. NICOLA: Then relevance. 7571

MR. MESEREAU: And bias.
THE COURT: The objection is overruled.
I'm going to have the question read back so
you can understand the question.
(Record read.)
THE WITNESS: I believe so. I have not read
the suit against me.
Q. BY MR. MESEREAU: The reservations for that
flight were made through a company called Travel 21,
Inc.; is that true?
A. Yes.
Q. Was that your company?
A. I was -- I leased space from that company.
Q. Okay. Well, was the reservation made
through the company Travel 21, Inc., to your
knowledge?
A. That's how I did the billing on that
particular flight.
Q. But you made those reservations, true?
A. I did.
Q. You directly made those reservations with
Xtra Jet, correct?
A. I did.
Q. And at some point before you made those
reservations, you were asked to use a different
company, correct?
A. A different billing company or a different
plane company? 7572

Q. A different plane company.
A. Yes, I was.
Q. You insisted on using Xtra Jet, correct?
A. I didn't insist. It was to my client's better -- for his better being.
Q. It was your recommendation that Mr. Jackson fly on Xtra Jet during the flight on November 20th, 2003, correct?
A. It was my -- I discussed it with Mr. Schaffel and we thought it was in the best interest of our client to use Xtra Jet, yes.
Q. So you and Mr. Schaffel made the arrangements for the flight, right?
A. I made the arrangements, but I had discussed it with Mr. Schaffel.
Q. Okay. When did you learn that -- excuse me. Let me rephrase that.
When did you first learn that Mr. Jackson had been secretly videotaped and recorded on that particular flight with Xtra Jet?
A. November 21st of 2003.
Q. To your knowledge, has Mr. Schaffel been involved in any efforts to sell that videotape or audiotape?
A. Not to my knowledge.
Mr. Mesereau, I don't believe there's audio.
MR. NICOLA: Objection, no question pending.
THE WITNESS: Sorry. Okay. 7573

MR. NICOLA: Rules.
Q. BY MR. MESEREAU: Were you going to say you don't believe there's an audio recording?
A. To the best of my knowledge. I don't know of any audio recording.
Q. But you know of a video recording?
A. I do.
Q. Have you seen it?
A. In the FBI building, yes.
Q. To your knowledge, how long will your grant of legal immunity last for?
A. I have no idea, sir.
Q. You haven't learned through your counsel --
MR. NICOLA: Objection.
Q. BY MR. MESEREAU: -- how long you'd be immunized from any prosecution based on what you say today?
MR. NICOLA: Objection, Your Honor, that is vague.
THE COURT: It violates a privilege.
Q. BY MR. MESEREAU: For -- let me rephrase that.
When did you begin booking flights for Mr. Jackson?
A. I believe in 2000 -- the latter part of 2000. May have been 2001.
Q. You said you met Mr. Jackson twice, correct?
A. Yes. 7574

Q. And where did you first meet Mr. Jackson?
A. On his ranch.
Q. Approximately when was that?
A. September of 2003.
Q. Did you stay at the ranch?
A. Overnight?
Q. Yes.
A. No.
Q. When was the second time you ever met Mr. Jackson?
A. In Las Vegas.
Q. And approximately when was that?
A. And it was several times. October of 2003.
Q. Typically any flights that were booked through you were arranged for someone other than Mr. Jackson. Excuse me, let me rephrase that. Typically any flights that you arranged for Mr. Jackson came through, I think you said Evvy or Mr. Schaffel; is that correct?
A. Yes.
Q. Now, how many flights do you think you booked at the direction of Evvy?
A. Ninety-nine percent of them. Private jets.
Q. How many flights do you think you booked at the direction of Mr. Schaffel?
A. One percent.
THE COURT: Do you want to take a break, Counsel? 7575

MR. MESEREAU: Oh, yes, Your Honor.
(Recess taken.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7525 through 7576 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 26, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 26, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, APRIL 26, 2005

8:30 A.M.

(PAGES 7578 THROUGH 7748)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 7578

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1 I N D E X
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3 Note: Mr. Sneddon is listed as ?SN? on index.
4 Mr. Zonen is listed as ?Z? on index. Mr. Auchincloss is listed as ?A? on index.
5 Mr. Nicola is listed as ?N? on index. Mr. Mesereau is listed as ?M? on index.
6 Ms. Yu is listed as ?Y? on index. Mr. Sanger is listed as ?SA? on index.
7
8
9 PLAINTIFF'S
10 WITNESSES DIRECT CROSS REDIRECT RECROSS
11 MONTGOMERY, Cynthia 7614-N 7622-M
12 7623-N
13 (Further)
14 KLAPAKIS, Jeff 7624-N 7625-SA 7627-N 7628-SA (Re-called)
15 MOSLEHI, Hamid 7630-A
16
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1 E X H I B I T S
2 FOR IN
PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 27 Photo of Christian Robinson 7654 7657
5 39 Photo of Joseph Martin Marcus 7654 7657
6 41 Photo of Miko Brando 7654 7657
7 42 Photo of Stuart Backerman 7655 7657
8 844 Photo of Michael Jackson and Frank Cascio 7654 7657
9 845 Photo of various
10 individuals 7655 7657
11 846 Photo of various individuals 7656 7657
12 847 Photo of various
13 individuals 7656 7657
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THE COURT: Sorry for the delay. The court reporters are having a little problem with the computer that runs their court reporting equipment. Go ahead, Counsel.
MR. MESEREAU: Thank you, Your Honor.
Q. Miss Montgomery, I want to clarify a couple of questions I asked about your grant of legal use immunity, okay?
A. (Nods head up and down.)
Q. The kind of immunity you've been granted by the Court is called use immunity, true?
A. Yes.
Q. And use immunity means that anything you say in court today cannot be used against you, correct?
A. Correct.
Q. You could, however, still be prosecuted for perjury, correct?
A. To the best of my knowledge, correct.
Q. And the grant of use immunity that you have grew out of concerns about a possible prosecution over the secret videotaping of Mr. Jackson on that Xtra Jet flight, correct?
A. Yes.
Q. And you were sued by Mr. Jackson and others, correct?
MR. NICOLA: Objection. This has been asked and answered, Your Honor.
MR. MESEREAU: No, it hasn't, Your Honor. 7582

THE COURT: Overruled.
You may answer.
THE WITNESS: I sued him, and then he sued me back.
Q. BY MR. MESEREAU: You also have been sued by Attorney Mark Geragos who was on that flight, correct?
A. I believe so. I have not seen, actually, the lawsuit.
Q. Is it your understanding that Mr. Jackson and his then attorney, Mr. Geragos, were secretly videotaped on an Xtra Jet flight?
MR. NICOLA: I believe that has been asked and answered. Object on those grounds.
MR. MESEREAU: Not with Mr. Geragos, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. MESEREAU: Okay. And that is, in fact, the flight you booked, correct?
A. I booked the flight.
Q. That's the flight you booked with the assistance of Mr. Schaffel, correct?
MR. NICOLA: Objection, Your Honor, that has been asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, you indicated you met 7583

Mr. Jackson for the first time in approximately
September of 2003, true?
A. Formally.
Q. Formally?
A. Correct.
Q. When did you first meet Mr. Jackson in
person?
A. I've been introduced to him backstage at a
concert.
Q. And when was that?
A. I don't recall. Many years ago.
Q. Okay. Do you know how many years ago that
was?
A. I couldn't tell you that.
Q. You didn't really have a discussion with him
at that point, did you?
A. No.
Q. Okay. And were you attempting to try and
get Mr. Jackson's business at the time?
A. In September of .03?
Q. The first time you met him.
A. No.
Q. Were you in the travel business at that
point?
A. Yes.
Q. Was it ever your goal to obtain Mr. Jackson
as a client?
A. When Mr. Schaffel approached me with it, of 7584

course.
Q. And when did Mr. Schaffel approach you with the idea of booking flights for Mr. Jackson?
A. When he became an associate of Mr. Jackson's.
Q. When did Mr. Schaffel first approach you about booking flights for Mr. Jackson?
A. I couldn't recall specifically.
Q. Do you know approximately when it was?
A. It was sometime in the year 2000.
Q. Had you been booking flights for Mr. Schaffel before that date?
A. Yes.
Q. And I believe you said you have booked flights for Mr. Schaffel for approximately, what, 10, 15 years?
A. I believe so.
Q. Okay. Now, are you the only one, to your knowledge, during that period that was booking flights for Mr. Schaffel?
A. No.
Q. Were other people booking flights for Mr. Schaffel as well?
A. In my office, or --
Q. Anywhere.
A. Well, I can only speak for my office. There was someone else that could have done them.
Q. And who else could have done it in your 7585

1 office?
2 A. One of my assistants.
3 Q. Would you have known about the flight if
4 your assistant did it?
5 A. Absolutely.
6 Q. To your knowledge, during the 10 or 15 years
7 that you booked flights -- excuse me. For the 10 or
8 15 years that you or your company booked flights for
9 Mr. Schaffel, was it your understanding that you
10 were the exclusive travel agent for Mr. Schaffel?
11 A. Absolutely not.
12 Q. Who else was booking flights for Mr.
13 Schaffel at the time?
14 A. I'm not privy to that information.
15 Q. Well, how do you know someone else was?
16 A. I -- I didn't say that I did. I have no
17 idea. I have no knowledge. Other than in my
18 office, I said I have no knowledge.
19 Q. Okay. So as far as you know, during the
20 10 or 15 years that you or your office booked
21 flights for Mr. Schaffel, you were the only people
22 doing that, correct?
23 A. I don't believe that's what I said. I
24 booked flights for him. Somebody in my office could
25 have booked flights for him. I have no other
26 knowledge if he went through another agency or
27 directly through the airlines. I have no knowledge
28 of that. 7586

Q. And during those 10 or 15 years, you have booked flights for Mr. Schaffel to Brazil, have you not?
A. Yes, I have.
Q. You have booked many flights for Mr. Schaffel to Brazil, have you not?
A. I don't -- I mean, without looking at the documents, I'm sure I have.
Q. Why are you sure you have?
A. I recall a few trips.
Q. He has traveled to Brazil extensively through the years, has he not?
A. I believe he has.
Q. How close a friend were you of Mr. Schaffel during the time you had a friendly relationship with him?
A. We would socialize on occasion. Travel together.
Q. And would that be -- would the socializing be in Las Vegas primarily?
A. No.
Q. Where would it be?
A. Hawaii.
Q. Okay. Now, when you met Mr. Jackson at Neverland in September of 2003, Mr. Schaffel was there, correct?
A. Yes, he was.
Q. And you were there because Mr. Schaffel was 7587

conducting a fund-raiser, correct?
A. Yes, he was.
Q. And you were assisting Mr. Schaffel in that fund-raiser, correct?
A. I did.
Q. And Mr. Schaffel arranged for the fund-raiser to take place at Neverland, true?
A. Yes.
Q. Okay. And then you say you met Mr. Jackson about a month later; is that true?
A. Yes.
Q. Okay. And approximately when was that? Was that October?
A. Yes.
Q. And where was that, if you know?
A. Yes, I do. The Four Seasons Hotel in Las Vegas.
Q. Okay. Have you ever spoken to Mr. Jackson on the telephone?
A. No.
Q. When you arranged the flights you testified about earlier, you have never spoke to Mr. Jackson in any phone call about arranging those flights, true?
A. That's true.
Q. And it was Mr. Schaffel who talked to you about the flight to Brazil that was supposed to involve the Arvizos, correct? 7588

A. Yes.
Q. Were plane tickets ever purchased for that flight?
A. No.
Q. When did you last talk to Mr. Schaffel about that proposed flight?
A. Sometime probably in February of 2001.
Q. Did you ever talk --
A. The year.
Q. I'm sorry.
A. The year. I'm sorry.
Q. Did you ever talk to any member of the Arvizo family about that flight?
A. No. Not that I'm aware of, no.
Q. And at some point you learned that that flight was going to be cancelled, correct?
A. Yes.
Q. And you learned the flight was going to be cancelled before you had a chance to buy any flight ticket, correct?
A. Yes.
Q. And certainly, it goes without saying, you never sent any bill for any tickets or anything related to that flight, correct?
A. Correct.
Q. And that's because Mr. Schaffel talked to you about what he wanted, but the flight never happened, right? 7589

A. He said he had a change of plans.
Q. Okay. Now, around the time the plans were changed, to your knowledge, did Mr. Schaffel go to Brazil?
A. Yes.
Q. Did you arrange the flight for Mr. Schaffel to go to Brazil?
A. I did.
Q. Did you arrange to purchase the tickets for Mr. Schaffel to go to Brazil?
A. Indirectly.
Q. Okay. To your knowledge, did Mr. Schaffel go to Brazil alone?
A. I don't know.
Q. Okay. And do you know approximately when Mr. Schaffel's flight to Brazil took place?
A. Around the same time. March the 1st.
Q. Okay. Do you remember whether you arranged a round-trip for Mr. Schaffel in March of 2003?
A. I did.
Q. And to your knowledge, did he then return to the United States at some point?
A. I can't swear that he actually took the flight.
Q. Okay. But you bought tickets for him, correct?
A. Indirectly. I made reservations for him.
Q. And to your knowledge, he actually did go to 7590

Brazil, right?
A. I can't testify to that, Mr. Mesereau.
Sorry.
Q. Okay. Okay. You never learned one way or the other?
A. I can't recall if he did.
Q. Okay. Do you know someone named Cindy Bell?
A. I do.
Q. And who is Cindy Bell?
A. She's a flight attendant for Xtra Jet.
Q. And did you ever make arrangements for Mr. Jackson to fly anywhere with Cindy Bell?
A. Yes, I believe so.
Q. And what are you referring to?
A. A flight -- she was a stewardess on one of his flights.
Q. Had you met her personally?
A. No.
Q. Have you spoken to her on the phone?
A. I have.
Q. And you've also spoken to Lauren Wallace on the phone, right?
A. Yes.
Q. And have you met Lauren Wallace personally?
A. Yes.
Q. Okay. Now, I believe your lawsuit against Mr. Jackson has to do with your using your credit card to pay for the Xtra Jet flight that he was 7591

secretly videotaped on; is that correct?
A. No.
Q. What is your suit against Mr. Jackson for; how much money?
A. I believe the suit is for $50,000.
Q. Okay. And aren't you claiming in the suit that you charged on your credit card costs that were -- should have been borne by Mr. Jackson?
A. No.
Q. Well, what are you --
A. There's no credit card in question here.
Q. Did you pay for a flight involving Mr. Jackson?
A. I did.
Q. And how did you pay for that flight?
A. In cash.
Q. And was that the flight where he was secretly videotaped?
A. Yes.
Q. And did you actually go to Xtra Jet and give them cash?
A. I did.
Q. And where did you go to Xtra Jet and pay cash?
A. Santa Monica, California.
Q. Did you go to their offices?
A. I did.
Q. Okay. And you personally arranged for that 7592

flight, true?
A. I did.
Q. Did you get a receipt from Xtra Jet?
A. I -- I'm not sure. I probably did. At that
time --
Q. Are you saying -- excuse me. Are you saying
you handed $50,000 in cash to Xtra Jet?
A. No, I didn't say that. I hand -- the
lawsuit is a different amount than what I gave Xtra
Jet.
Q. Are you suing Mr. Jackson because you claim
you should be reimbursed by Mr. Jackson for money
you spent on his behalf?
A. Correct.
Q. And was the money you claim you spent on his
behalf cash that you paid?
A. I have paid part of it, I did that day, part
of it in cash.
Q. You say part of it in cash?
A. That's correct.
Q. Okay. Did you give Xtra Jet that cash?
A. I did.
Q. Who did you give the cash to at Xtra Jet?
A. Jeffrey Bohr.
Q. And who is he?
A. The owner of Xtra Jet.
Q. Okay. And was he a friend of yours?
A. I would say more of a business associate. 7593

Q. And you went to Santa Monica to have a meeting with him, true?
MR. NICOLA: Objection. Relevance, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Are you suing Mr. Jackson for money you paid in cash?
MR. NICOLA: Objection, Your Honor. This is -- asked and answered.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Are you suing Mr. Jackson for charges you made on a credit card?
A. No.
MR. NICOLA: Objection; asked and answered.
THE COURT: Overruled. Next question.
Q. BY MR. MESEREAU: Okay. How long have you had a relationship with the company Xtra Jet?
A. Um, for a couple of years.
Q. And who has been your primary contact at the company called Xtra Jet?
A. Brian -- at the time it was Brian Kranitz.
Q. Okay. And it was your recommendation that Mr. Jackson fly with Xtra Jet, true?
A. No.
Q. Well, it was certainly your recommendation that he fly on Xtra Jet on the day he was secretly videotaped, true?
A. That's true. 7594

Q. Now, on that particular day when Mr. Jackson was secretly videotaped on Xtra Jet, you also flew on a different Xtra Jet flight, correct?
A. I did.
Q. And on that particular day, Mr. Jackson was flying from Las Vegas to Santa Barbara, true?
A. Yes.
Q. And you flew on a separate Xtra Jet flight from Las Vegas to Santa Barbara; is that correct?
A. Yes. In part.
Q. And other people were with you on your particular flight on Xtra Jet on that day, true?
A. Yes.
Q. Did you arrange for those people to be on that flight with you?
A. Only one.
Q. Did you learn at some point that photographers were on that flight that you were on?
A. No.
Q. Okay. To your knowledge, were any media people on the flight that you were on?
A. No.
MR. NICOLA: Objection, relevance, Your Honor.
THE COURT: Overruled. The answer is in.
"No." Next question.
MR. MESEREAU: Yes, Your Honor.
Q. Now, the prosecutor has showed you some 7595

itineraries that you've testified you used in your business of making flight arrangements for Mr. Jackson, right?
A. Yes.
Q. And I believe you said that 99 percent of the time Evvy would give you the information you needed to make those flight arrangements, correct?
A. Yes.
Q. And your understanding was that you would make the flight reservations for Mr. Jackson, right?
A. Yes.
Q. You'd also make the reservations for others who traveled with Mr. Jackson, right?
A. I would -- she would give me the manifest with their names on it.
Q. Yes. And you would ensure that all of those individuals were allowed to be on the flight that you booked, right?
A. It was an FAA requirement. I had no -- I couldn't allow or disallow anything.
Q. Well, but the plans for Mr. Jackson and others to fly were primarily made by you, right?
A. I was -- I submitted -- I was given a list, I submitted a list, and I had no control of who was on that flight.
Q. Well, I don't mean to suggest that. But certainly if you were told by Evvy --
A. Uh-huh. 7596

Q. -- that she would like you to make a flight reservation for whatever it may be, let's say five people, you would arrange for all those five people to be on a particular flight, true?
A. Yes.
Q. Okay. And would the cost billed by Xtra Jet go up the more people that were on the flight?
A. No.
Q. It was a set fee each time, true?
A. Correct.
Q. So if Mr. Jackson were with two people or six people, it made no difference in terms of cost, correct?
A. Other than the catering, it made no difference.
Q. Okay. And would you arrange the catering as well?
A. Yes.
Q. And are you the person who would arrange for a particular type of food to be served on the flight?
A. Yes.
Q. All right. And how were you compensated for making these arrangements?
A. Xtra Jet would bill me back.
Q. Okay. And what was your understanding with Xtra Jet as far as what you would be billed?
A. It was discussed prior to making the 7597

reservations.
Q. Would you -- excuse me. Let me rephrase that.
Did you have a set fee that you would be billed by Xtra Jet or did you negotiate it differently for each flight?
A. Well, each destination carries its own price --
Q. Okay.
A. -- depending on where he was going.
Q. So there was a -- in effect, a form or schedule of what the cost of the flight would be, depending on where it went, true?
A. Absolutely.
Q. And how were you compensated?
A. I received commission.
Q. Okay. And would the commission be a percentage of the total cost of the flight?
A. Usually, yes.
Q. All right. Now, if Xtra Jet sent you a bill, would you then typically forward that bill to whoever you thought should pay it?
A. Yes.
Q. And you've indicated that you sent some bills to MJJ Productions, right?
A. Yes.
Q. And you sent some bills to Neverland Valley Entertainment, right? 7598

A. Yes.
Q. Now, the prosecutor asked you some questions about who owns those companies, correct?
A. Yes.
Q. You don't have any idea whatsoever who actually owns stock or any other interest in Neverland Valley Entertainment, true?
A. I wouldn't say that that's true at all. I would say I was told about Neverland Valley Entertainment.
Q. Only by Mr. Schaffel, correct?
A. Yes.
Q. And certainly it was always your understanding that Mr. Schaffel was trying to promote a relationship with Michael Jackson for his own benefit, true?
MR. NICOLA: Objection. Calls for speculation, Your Honor.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You never spoke to Mr. Jackson about whether he owned any interest whatsoever in Neverland Valley Entertainment, did you?
A. No.
Q. Your information about Neverland Valley Entertainment came primarily from Mr. Schaffel, true?
A. And one of the bookkeepers. 7599

Q. How long would you say you were a friend of Mr. Schaffel?
A. I believe I said almost 20 years.
Q. Okay. Did you know whether or not Mr. Schaffel would try and get reimbursed for anything his company allegedly spent for Mr. Jackson?
A. Yes. Yes.
Q. Did you have knowledge that Mr. Schaffel would sometimes send bills to Mr. Jackson's accountants?
MR. NICOLA: Objection. Relevance; calls for speculation; lack of foundation.
THE COURT: Overruled.
You may answer "yes" or "no."
THE WITNESS: Yes, I have knowledge.
Q. BY MR. MESEREAU: And did you have any knowledge at the time that Mr. Schaffel was sending bills to Mr. Jackson's accountants for money allegedly spent on the Arvizos?
MR. NICOLA: Objection, Your Honor. That lacks a foundation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever learn whether or not Mr. Schaffel was sending bills to Mr. Jackson's accountants seeking reimbursement for money he claimed he spent on the Arvizos?
MR. NICOLA: Your Honor, that calls for speculation. Lacks foundation. 7600

THE COURT: Overruled.
THE WITNESS: I know that he -- I'm sorry. I have some knowledge.
Q. BY MR. MESEREAU: Pardon me?
A. I have some knowledge.
Q. Okay. When you sent bills to Neverland Valley Entertainment, your understanding was that Mr. Schaffel owned some interest in that company, true?
A. Absolutely.
Q. And you also knew that Mr. Schaffel was sending bills to Mr. Jackson's accountants on behalf of Neverland Valley Entertainment claiming he was owed reimbursement, true?
A. Yes.
Q. And you say, as you sit here today, you've never learned Mr. Schaffel has sued Mr. Jackson claiming he's owed millions?
MR. NICOLA: Objection, Your Honor. That's argumentative, calls for speculation.
THE COURT: Sustained.
Q. BY MR. MESEREAU: The prosecutor showed you some documents involving travel plans that came to you from Evvy Tavasci, correct?
A. Yes.
Q. And your understanding was that Evvy Tavasci was a personal assistant to Mr. Jackson, right?
A. Yes. 7601

1 Q. And she was employed by MJJ Productions,
2 right?
3 A. As far as I understood, yes.
4 Q. And your understanding was that MJJ
5 Productions was a company owned by Michael Jackson,
6 correct?
7 A. Yes.
8 Q. Now, you would often make travel
9 arrangements for Mr. Jackson and members of his
10 family, true?
11 A. Yes.
12 Q. And did you meet other members of his family
13 at any time, to your knowledge?
14 A. Um, cousins.
15 Q. And who were they?
16 A. Elijah Jackson. People that were in Vegas.
17 Q. And to your knowledge, who was Elijah
18 Jackson?
19 A. I believe to be a cousin or a nephew.
20 Q. Okay. Did you ever meet Grace Rwaramba?
21 A. Yes.
22 Q. And where did you meet Grace Rwaramba?
23 A. Officially on the tarmac in Santa Barbara.
24 Q. And your understanding was that she was a
25 nanny for Mr. Jackson's --
26 A. Correct.
27 Q. -- children, correct?
28 A. Correct. 7602

Q. Did you ever meet his children?
A. I don't recall.
Q. How about Levon Jackson?
A. I can't recall that either.
Q. Okay. How about P.K. Jackson?
A. That's one of the children.
Q. P.M. Jackson? Never met them?
A. To the best of my knowledge, no. Best of my recollection, no.
Q. You met the nanny but not the children, right?
A. Right.
Q. And how about Patricia Chavez?
A. No.
Q. But you remember booking flights for these individuals, right?
A. The names are very familiar.
Q. Okay.
A. Sure.
Q. Do you recall making any special arrangements for the dietary needs of his children?
A. Diet -- special dietary needs. Just what Evvy would tell me to order.
Q. So pretty much she made those decisions, not you?
A. That's correct.
Q. She'd forward the information to you, you would then call Xtra Jet and arrange for it to 7603

happen; is that right?
A. Yes.
Q. All right. When did you last book a flight for Mr. Jackson, to your knowledge?
A. November 19th, 2003.
Q. Do you ever remember booking flights for the Cascio family?
A. I do.
Q. Did you ever meet the Cascio family?
A. Just the son.
Q. Okay. Ever meet the parents?
A. No.
Q. To your knowledge, are you the only one in your family suing Mr. Jackson?
A. Yes.
Q. Is it you individually, or your company, or both?
A. As an individual.
Q. Okay. The company did not sue Mr. Jackson; is that true?
A. Yes, that's true.
Q. And when did you file that suit, if you know?
A. I believe 2004.
Q. Was it filed in Los Angeles?
A. Yes.
Q. To your knowledge, is the case currently going forward? 7604

A. Yes.
Q. Okay. Are you familiar with an individual named Michelle Christina?
A. Not that I recall.
Q. How about a company called Oneness, O-n-e-n-e-s-s?
A. Yes.
Q. And when did you first become familiar with a company called Oneness?
MR. NICOLA: I'm going to object, Your Honor. It doesn't appear to be relevant. It's beyond the scope of direct.
MR. MESEREAU: I will -- I will tie it up, Your Honor.
THE COURT: All right. Overruled.
Q. BY MR. MESEREAU: You get involved in charitable fund-raisers from time to time, correct?
A. Yes.
Q. Is that part of what your travel company does?
A. I donate through my travel company.
Q. Do you ever help to arrange charitable fund-raisers?
A. Yes.
Q. And is that one of the things your company does?
A. Like I just said, I donate travel for charities. 7605

Q. Okay. And you became familiar with a company Oneness while doing just that, right?
MR. NICOLA: I'm going to renew my objection, Your Honor, on relevance grounds.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Are you claiming that because Mr. Jackson owes you money, you're not going to pay a company called Oneness?
MR. NICOLA: Objection. Your Honor, there's --
THE COURT: Sustained.
Q. BY MR. MESEREAU: How many fund-raisers have you been involved in for Marc Schaffel?
A. One.
Q. Just one?
A. Yes.
Q. Okay. Have you ever assisted in promoting Mr. Schaffel's company in any way?
MR. NICOLA: I'm going to object. Your Honor, this is not relevant.
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm sorry?
Q. BY MR. MESEREAU: Have you ever assisted Mr. Schaffel in any public relations efforts involving his company?
A. "His company" being Neverland Valley?
Q. Any company he owns. 7606

A. Not that I -- I mean, I'm not sure I'm understanding where -- what the question is. Have I promoted his company?
Q. Yes.
A. I would say no to that.
Q. Okay. But the fund-raiser you claim you met Mr. Jackson at was a fund-raiser arranged by Mr. Schaffel, true?
A. Yes.
Q. And you were assisting him with that, true?
A. Yes.
Q. Okay. Were you assisting him in raising money?
A. Yes.
Q. Have you done that on other occasions?
A. Yes.
Q. How many times have you assisted Marc Schaffel in raising money, to your knowledge?
A. Just that one time.
Q. I'm sorry if I misunderstood.
A. Just that one time.
Q. Okay. Never on any other occasion?
A. Not that I'm aware of.
Q. Okay. Have you ever had any kind of a financial interest in any projects involving Mr. Schaffel?
MR. NICOLA: Objection, Your Honor. It's vague, lacks a foundation and not relevant. 7607

MR. MESEREAU: Bias, Your Honor.
THE COURT: Overruled.
You may answer.
THE WITNESS: No.
Q. BY MR. MESEREAU: Have you ever done any business with Mr. Schaffel other than arranging flights and helping him with that one fund-raiser?
A. Not to my knowledge.
Q. When did you first meet with any representative of the prosecution about your testimony?
A. Sometime in the year 2004.
Q. Were you contacted by any representative of the prosecution for purposes of that meeting?
A. I received a phone call.
Q. Okay. And who called you?
A. I believe it was Lieutenant Jeff Klapakis.
Q. And how many meetings do you think you've had before today with any member of the prosecution to discuss this case?
A. Specifically the prosecution or the detectives?
Q. Let's start with the prosecution.
A. I met with them -- I just met them last week.
Q. For the first time?
A. Yes.
Q. Were you with your attorney? 7608

A. No.
Q. When did you first notify the prosecution that you would not testify in this trial unless you were granted legal immunity?
A. I did not do that.
Q. Who did it?
A. My attorney.
Q. Do you know when he first did that?
A. I can't be certain of that.
Q. Okay. Do you have any idea at all?
A. I think it was Thursday maybe.
Q. Okay.
A. I have no idea.
Q. Okay. Did you ever personally, on your own initiative, call any sheriff to give information about Mr. Jackson?
A. I did.
Q. And when did you do that?
A. After I saw the 60 Minutes Ed Bradley special.
Q. Okay. Did you then meet with any representative with the sheriff's department?
A. Not at that time, no.
Q. How many times have you personally called the sheriff's department to volunteer information about Mr. Jackson?
A. About Mr. Jackson?
Q. Yes. 7609

A. I couldn't tell you a number.
Q. How many interviews do you think you've had with any representative of the sheriff's department about Mr. Jackson?
A. Several.
Q. How many do you think?
A. In person, three or four.
Q. Have you ever had any discussion with anyone about what you were going to say in court today linked to the prosecution?
A. Yes.
Q. Who?
A. Mr. Nicola and the sergeant and the lieutenant.
Q. Did you discuss with Mr. Nicola what questions you were going to be asked in court?
A. Yes.
Q. And did you and he discuss what your responses were going to be?
A. To tell the truth.
Q. Say anything more than that?
A. Just tell the truth. Be honest.
Q. That's all he said, right?
A. To relax.
Q. Okay. So he went over questions he was going to ask you, and all you said in response was, "I'll tell the truth, I'll tell the truth," right?
A. To answer the questions pertaining to the 7610

1 evidence that I am responsible for doing, correct.
2 Q. Did you ever discuss with Mr. Nicola of the
3 prosecution the fact that you had legal immunity?
4 A. After my attorney called him, I did.
5 Q. And did you and he ever go over what legal
6 immunity means?
7 A. Yes. We touched on it.
8 Q. And when did you do that?
9 A. I believe that day, Thursday.
10 Q. Okay. And that would be last Thursday,
11 correct?
12 A. Correct.
13 Q. Did you and he discuss any document that
14 gave you legal immunity from being prosecuted for
15 what you said in court?
16 A. No.
17 Q. Did you and your attorney ever meet with
18 Mr. Nicola regarding your grant of legal immunity?
19 A. Mr. Nicola was introduced to my attorney
20 yesterday morning for the first time. I wasn't
21 privy to their conversation.
22 Q. So you'd never had a meeting with Mr. Nicola
23 and your attorney present, correct?
24 A. Not a meeting, no.
25 Q. Okay. To your knowledge, have you ever been
26 involved in any secretly recorded telephone
27 conversations concerning this case?
28 A. Yes. 7611

Q. How many conversations, to your knowledge, have you been involved in that were secretly recorded?
A. One.
Q. Did you know that conversation was going to be recorded?
A. I was asked to record it, yes.
Q. Was that by the representatives of the sheriff's department?
A. Yes.
Q. And did you call someone knowing that that call was going to be secretly recorded?
A. I did.
Q. Okay. And approximately when was that?
A. 2004, the beginning -- I'm not sure. I'm sorry.
Q. Do you have any idea?
A. Not without reviewing documents, no, sir.
Q. Okay. The round trip that you -- excuse me, let me try and find the right word.
You and Mr. Schaffel discussed a round trip to Brazil involving the Arvizos, correct?
A. Yes.
Q. And you put together an itinerary for that round trip, right?
A. I made a reservation for that trip.
Q. And in the course of making the reservation, you actually had an itinerary with dates, correct? 7612

A. Yes.
Q. There was a departure date, true? And there was a return date, right?
A. True.
Q. The trip you were arranging was for how many people?
A. Four.
Q. You separately had arranged a Brazil trip for Mr. Schaffel, correct?
A. Yes.
Q. You arranged a separate trip for Mr. Schaffel around the time that you and he discussed arranging a trip for the Arvizos, correct?
A. Yes.
Q. And when you used to get tickets for Mr. Schaffel, how would you typically arrange to pay for those tickets?
A. He would send me a check or put it on his credit card.
Q. Did he ever send you a check involving a trip for the Arvizos?
A. I couldn't tell you for sure. I'd have to look at documents.
Q. To your knowledge, was there ever a charge made on any credit card for a trip to Brazil involving the Arvizos?
A. Not to my knowledge.
Q. Okay. 7613

A. No.
Q. And at no time did you ever arrange any trip to Brazil for Mr. Jackson, right?
A. That's right.
Q. And at no time did you ever speak to Mr. Jackson on the phone about any trip to Brazil, right?
A. I've never spoken to Mr. Jackson on the telephone.
Q. And you've never spoken to him in person about any trip to Brazil at any time?
A. That's correct.
MR. MESEREAU: I have no further questions at this time.
THE COURT: Counsel?
MR. NICOLA: Thank you, Your Honor.

REDIRECT EXAMINATION
BY MR. NICOLA:
Q. Mrs. Montgomery, did you actually review the Judge's order granting you use immunity during the break?
A. I did.
Q. Okay. And do you understand use immunity does not protect you from lying on the witness stand; isn't that correct?
A. Absolutely.
Q. You indicated with respect to the events of 7614

November 20th of 2004 -- 2003. Thank you for that -- with respect to the events of November 20th, 2003, you've cooperated with the FBI?
A. I have on several occasions.
Q. Okay. And was it your idea to request immunity in this case?
A. No, it was not.
Q. It was your attorney's?
A. Absolutely -- yes.
Q. Were you present in court yesterday when immunity for you was discussed amongst all the attorneys and the Judge?
A. Yes, I was.
Q. Did your attorney actually object to that?
A. Yes, he did.
Q. Again, was that your idea or his?
A. It was his idea.
Q. You mentioned that you contacted law enforcement for the first time after seeing an Ed Bradley 60 Minutes interview?
A. Yes, I did.
Q. Was that broadcast on television?
A. It was.
Q. Was there something about that that caused you to pick up the phone and call the police?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
Q. BY MR. NICOLA: You may answer. 7615

A. Yes. A statement Mr. Jackson made.
Q. What was that statement?
A. That he was mishandled by the authorities upon his arrest.
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled. It's redirect of questions you asked.
Q. BY MR. NICOLA: Would you answer that question again? I believe you were cut off.
THE COURT: I'll just have the question and statement read back.
Read the question and answer, please.
(Record read.)
Q. BY MR. NICOLA: Were you present at his arrest scene?
A. I was -- yes. When he was put into handcuffs, yes, I was.
Q. Was that the tail end of that November 20th flight in 2003?
A. It was close to the tail end of it.
Q. Okay. And you witnessed the events?
A. I did.
Q. Felt what Mr. Jackson said on the television was not true?
MR. MESEREAU: Objection. Move to strike; foundation.
THE COURT: Sustained. It's stricken.
Q. BY MR. NICOLA: Did you see Mr. Jackson 7616

being mishandled by anybody?
MR. MESEREAU: Objection. Relevance;
foundation.
THE COURT: Sustained.
Q. BY MR. NICOLA: Could you tell us on
approximately how many occasions you contacted
Lieutenant Klapakis?
A. How many times I contacted him? Through the
course of this investigation?
Q. Yes.
A. Many.
Q. You talk to him frequently, correct?
A. I do.
Q. And did you always relay to him information
that you had firsthand knowledge of?
A. I did.
Q. Okay. Did you also relay to him things that
you had heard from other sources?
A. Yes, I did.
Q. Did you ever actively try to hide anything
from Lieutenant Klapakis when he inquired with you
about facts you may know about the case?
A. No, I did not.
Q. Did you hide anything from the FBI when they
interviewed you about the November 20th flight?
A. No, I did not.
Q. I'd like to clean something up in your
cross-examination. You actually testified that the 7617

1 flight arrangements you made for the Arvizos to
2 Brazil occurred in 2001. That actually occurred in
3 2003?
4 A. Yes, it did.
5 Q. Could you take a look at Exhibit No. 848
6 again, please, and just confirm that?
7 A. February 25th, 2003.
8 Q. And the day of their flight was March 2nd?
9 A. March 1st of 2003.
10 Q. And you indicated on cross-examination that
11 at some point Mr. Schaffel called you and said there
12 was a change of plans regarding the Arvizos' trip?
13 A. Yes, he did.
14 Q. Do you recall his tone of voice when he
15 spoke with you?
16 A. I'm not sure I recall his tone of voice.
17 Q. Do you recall anything about that
18 conversation that caused you to take particular note
19 of it?
20 A. Normal for Schaffel's behavior.
21 Q. Normal behavior for Mr. Schaffel?
22 A. Uh-huh. I would say yes to that.
23 Q. Is there anything that can help you pinpoint
24 the date of when he contacted you and said there had
25 been a change of plans?
26 A. I don't recall a date that he would have
27 told me to cancel the reservations.
28 Q. Do you know even whether that occurred after 7618

1 the flight was scheduled to leave?
2 A. Reservations, if you don't ticket, will fall
3 out of the computer system after -- 24 hours after
4 the scheduled departure date.
5 Q. Is there any indication on Exhibit 847 of a
6 cancellation date?
7 A. 848?
8 Q. 848, I'm sorry.
9 A. No. They were never physically cancelled.
10 Q. Okay. The information regarding the address
11 for Mrs. Arvizo --
12 A. Yes.
13 Q. -- Mr. Schaffel give you that address?
14 A. Yes.
15 Q. Would you read that whole address into the
16 record for us, please?
17 A. Ms. Janet Arvizo, 11520 Trent Court,
18 Calabasas, California 91302.
19 Q. Okay. And he gave you each part of that
20 address?
21 A. Yes.
22 Q. To your knowledge, and with your experience
23 in dealing with securing visas for clients that
24 travel outside of the country, do you know the
25 different levels of visas that are available for
26 travel into Brazil specifically?
27 A. You have to call each consulate every time
28 you book into a country, find out the specific 7619

needs.
Q. And with your contact specifically with respect to Brazil and Mr. Schaffel traveling down there, did you have knowledge from your contacts with the consulate as to whether they issued 30- or 60- or 90-day visas?
A. I called to inquire at the time I made the reservations, yes.
Q. So you called to inquire on the Arvizos' reservation as well?
A. I called because they needed passports, so I needed to know how --
Q. Do you recall what the length of the visa was they were requesting?
A. I don't recall that.
Q. If you asked for a 30-day visa, but you overextend your stay, do you know what happens?
A. Well, if -- customs, if they catch you, they will kick you out of the country.
Q. Okay. But they have to catch you first?
A. Yes. They would catch you trying to depart the country, actually. They would see that your visa had expired, if it did expire.
Q. You mentioned that you secretly recorded one telephone conversation. Do you recall which detective asked you to do that?
A. Two detectives. One lieutenant, one sergeant. 7620

Q. Okay. And was that something that you did willingly?
A. Yes.
Q. They didn't pressure you or threaten some kind of prosecution against you if you didn't do that?
A. No.
Q. Has anybody at this table, anybody you've met from law enforcement or the prosecution, ever threatened you or tried to coerce you and get you to say anything that was not truthful?
A. No.
Q. Does this grant of use immunity protect you from lying on the witness stand?
A. No, it does not.
Q. Do you understand if you do, you can be prosecuted for perjury, correct?
A. Yes, correct.
Q. Your suit against Mr. Jackson, you are suing for the cost of the flight from Las Vegas to Santa Barbara, plus other expenses?
A. Correct.
MR. NICOLA: Okay. Your Honor, I have no further questions.
THE COURT: Mr. Mesereau?
MR. MESEREAU: Yes.
//
// 7621

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. The prosecutor asked you questions about what your attorney said in court yesterday, right?
A. Yes.
Q. And you were present yesterday when your attorney made those comments on your behalf, true?
A. Yes.
Q. Your attorney expressed a concern in open court that you might be prosecuted in Nevada, true?
A. I believe he said that.
Q. Your attorney also expressed concerns that you might be prosecuted in federal court, true?
A. I believe he said that.
Q. And because of his fear that you might be prosecuted, he didn't want you to testify at all, correct?
A. It's his job to do that.
Q. Because of his fears that you would be prosecuted, he didn't want you testifying at all, true?
A. I've had a conversation with my attorney. I don't believe he has any fears of my prosecution.
Q. Did your attorney express concerns yesterday in this courthouse in your presence and on your behalf that you might be prosecuted in Nevada and also by federal authorities?
MR. NICOLA: Object. Objection, Your Honor, 7622

1 calls for hearsay and speculation.
2 THE COURT: Sustained.
3 Q. BY MR. MESEREAU: It's a concern that you
4 might be prosecuted that resulted in your demand for
5 a legal immunity, true?
6 MR. NICOLA: Objection; misstates the
7 evidence.
8 THE COURT: Overruled.
9 You may answer.
10 THE WITNESS: No.
11 Q. BY MR. MESEREAU: Your position yesterday in
12 this courtroom was, "If I don't get immunity, I
13 don't testify," right?
14 A. That was my attorney's position.
15 Q. But you had nothing to do with that?
16 MR. NICOLA: Objection, that's
17 argumentative, Your Honor. Calls for hearsay.
18 THE COURT: Sustained.
19 MR. MESEREAU: No further questions.
20 MR. NICOLA: May I inquire, two, from here,
21 Your Honor?
22 THE COURT: No.
23 MR. NICOLA: From here?
24 THE COURT: Yes.
25
26 FURTHER REDIRECT EXAMINATION
27 BY MR. NICOLA:
28 Q. Is it your understanding that if you did 7623

something wrong on November 20th you can still be prosecuted either in Nevada or federal court?
A. Yes, it's my understanding.
MR. NICOLA: Okay. I have no further questions.
MR. MESEREAU: No further questions.
THE COURT: Thank you. May step down.
MR. MESEREAU: Your Honor, may the witness be subject to re-call?
THE COURT: Yes.
THE WITNESS: Am I excused?
MR. NICOLA: Yes.
THE WITNESS: Thanks.
THE COURT: Call your next witness.
MR. NICOLA: I believe it's going to be Lieutenant Jeff Klapakis, Your Honor.
THE BAILIFF: He's on his way in.
THE COURT: You're still under oath. You may be seated.

JEFF KLAPAKIS
Having been previously sworn, resumed the stand and testified further as follows:

REDIRECT EXAMINATION
BY MR. NICOLA:
Q. Good morning, Lieutenant Klapakis.
A. Good morning. 7624

Q. Do you recognize the document labeled 848 in front of you, Exhibit 848?
A. Yes, I do.
Q. Were you present during a meeting with Cindy Montgomery, Cynthia Montgomery, where she explained the contents of that document for you?
A. Yes, I was.
Q. Did she explain to you how the address for Janet Arvizo was placed on that bill and who the source of the information for that was?
A. Yes, she --
MR. SANGER: Objection.
MR. NICOLA: It's a "yes" or "no" question.
MR. SANGER: I'll withdraw it, as long as he goes no further.
Q. MR. NICOLA: Just "yes" or "no."
A. Yes.
Q. Okay. Are you trained to search for addresses and verify whether or not they exist?
A. Yes.
Q. Does the address listed on 848 for Janet Arvizo in Calabasas exist?
A. No.
MR. NICOLA: Nothing further.

CROSS-EXAMINATION
BY MR. SANGER:
Q. You were the officer who first had a formal 7625

1 interview with Miss Montgomery; is that correct?
2 A. Yes.
3 Q. And that was on January 13th, 2004?
4 A. Well, my first contact with her was in
5 November of .03.
6 Q. Oh, that's true. Okay. As far as a formal
7 interview, though, you didn't have a formal
8 interview until that time?
9 A. I've had several interviews with her. I'm
10 not quite sure of the date, sir.
11 Q. You were aware that prior to that, she had
12 called and volunteered some information. She had
13 talked to somebody else in the sheriff's department;
14 is that right?
15 A. Yes.
16 Q. And as a result of her calling and
17 volunteering information, you then called and talked
18 to her?
19 A. Yes.
20 Q. And you had a rather extensive interview
21 with her; is that correct?
22 A. Phone interview, yes.
23 Q. Phone interview.
24 And following that, arrangements were made
25 to meet with her on January 22nd, 2004, correct?
26 A. I believe it was in January. But I'm not
27 quite sure of the date.
28 Q. And that was a date in which you met with 7626

her and with her attorney, Robert Moore; is that right?
A. Yes.
Q. And she then volunteered information about Mr. Schaffel; is that right?
A. That's correct.
Q. And she volunteered information about other people associated with Mr. Schaffel; is that correct?
A. Yes.
Q. And she offered to make a pretext telephone call to one of those people; is that correct?
A. She did agree to do that, yes.
Q. And she made the call and it was tape-recorded for the benefit of the sheriff's department; is that right?
A. Yes.
MR. SANGER: I have no further questions.

REDIRECT EXAMINATION
BY MR. NICOLA:
Q. To your knowledge, Lieutenant, are members of police agencies investigating crimes or their agents - for example, citizens who agree to work with them - allowed to tape-record telephone conversations during the course of an investigation?
MR. SANGER: I'm going to object to the form of the question. Calls for speculation, and/or 7627

1 irrelevant information.
2 THE COURT: Overruled.
3 THE WITNESS: Yes, they are.
4 MR. NICOLA: Okay. Nothing further.
5
6 RECROSS-EXAMINATION
7 BY MR. SANGER:
8 Q. All right. So just to clarify that,
9 under -- your understanding of California law is
10 that if law enforcement, a peace officer, authorizes
11 somebody to make a call and tape-record it, that
12 that permits them then to do so; is that right?
13 A. That is my understanding of California law.
14 Q. In other words, it would be unlawful
15 otherwise for just an ordinary citizen to
16 tape-record a telephone conversation without the
17 consent of both parties to the conversation; is that
18 right?
19 A. That's correct. You need law enforcement
20 direction.
21 Q. Yes. So there's a law enforcement exception
22 to that rule - all right?
23 A. Yes.
24 Q. -- that allows -- that allows law
25 enforcement to tape-record in California, to
26 tape-record a conversation without the consent of
27 the other party, correct?
28 A. Yes. 7628

Q. And that's been interpreted to allow a law enforcement officer to empower another person, a civilian, to make a call and tape-record it without the consent of the other party as long as law enforcement said it was okay; is that right?
A. That is my understanding of California law, yes.
Q. Okay. And in this particular case, did you -- did your office -- whether it was you in particular or not, did your office participate in making this pretext call that was tape-recorded?
A. I participated in it.
Q. Okay. So this wasn't just saying, "If you want to tape-record somebody, go do it." It was you actually sitting there getting the tape-recorder set up on the phone and having her place the call in your presence; is that right?
A. That's correct.
Q. Okay. And it was your understanding at that time that she was attempting to be helpful in the case against Mr. Jackson; is that right?
A. She was helpful in this investigation, yes.
MR. SANGER: Okay. No further questions.
MR. NICOLA: No further questions, Your Honor.
THE COURT: You may step down.
Call your next witness.
MR. AUCHINCLOSS: People call Hamid Moslehi. 7629

THE COURT: Come forward. When you get to the witness stand, please remain standing.
BAILIFF CORTEZ: Right here, sir.
THE COURT: Face the clerk here and raise your right hand.

HAMID MOSLEHI
Having been sworn, testified as follows:

THE WITNESS: Yes, I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Hamid Moslehi. H-a-m-i-d; M-o-s-l-e-h-i.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good morning, Mr. Moslehi.
A. Good morning.
Q. What is your occupation, sir?
A. I do still photography and video production.
Q. And what training and experience have you had that qualifies you to -- for that profession?
A. Training; like what do you mean by that?
Q. Well, I mean, what is your background that qualifies you for that position, to be a professional photographer and videographer? 7630

A. Well, I majored in art directing, actually.
But then now I started, like, experience hands-on in
photography, and then I got into video production,
so I became one.
Q. All right. How long have you been a
professional photographer/videographer?
A. Since 1990 I would say.
Q. Okay. The microphone I'm going to have you
use is the one on the left there, okay?
A. Sorry.
Q. And tell me a little bit about the type of
photography that you do and the type -- we'll start
with the type of photography that you do.
A. I do, like, documentaries. I do events.
And kind of news style, too.
Q. Okay. When I say "photography," I'll -- my
intention will be to cover still photography as well
as videography, okay?
A. Okay.
Q. When you say "documentaries," are you
talking about videos?
A. That's correct.
Q. What about production of videos? Editing,
this type of thing? Do you participate in that
activity?
A. Sure. I do, like, pre-production, and then
production, and post-production, which contains some
editing work. 7631

Q. Okay. What are the distinctions between pre-editing --
A. Pre-production is mostly planning for the production. Production, it's the shooting itself. And post-production is editing it and putting the final touches together.
Q. Do you have any employees for your business?
A. I hire, like, independent contractors.
Q. On an as-needed basis or --
A. That's correct.
Q. Have you ever -- well, let me back up. How do you work with an individual who hires you in terms of the legal arrangement? Do you ever act as an employee?
A. No. They're mostly independent contractor. Basically they work per project. So I give them a call, check their schedule. If they are available, then I book them.
Q. And what type of independent contractors do you use? What --
A. Freelance people mostly.
Q. But specifically what tasks do you assign them?
A. It could be sound, it could be assisting, it could be lighting, grip, all sort of thing.
Q. What's a grip?
A. A grip is the guy who put, like, stands together or, you know, carries heavy equipment 7632

around, and things like that.
Q. Have you ever been contracted by MJJ Productions for any of your photography work?
A. MJJ Production has used my services from 1996, I believe, till 2003.
Q. And what type of services have you provided to MJJ Productions?
A. Still photography and video production.
Q. How many projects have you worked on with MJJ Productions?
A. I would say between maybe 40 to 50 projects.
Q. And if you can tell me, give me an example, or a couple of examples, of the nature of the work that you do for MJJ Productions.
A. Could you be more specific to that? Like --
Q. Well, do you ever receive still photography assignments?
A. Sure.
Q. What type?
A. It could have been a birthday party. It could have been family portrait pictures. It could have been concert.
Q. Okay.
A. Or documentaries.
Q. Same question for videography.
A. Same.
Q. Same answers?
A. Same answers. 7633

Q. Okay. When you work for MJJ Productions, how do you become aware that there is a job for you there? Who informs you that MJJ Productions wants to employ your services?
A. Typically I would get a call from Mr. Jackson's personal assistant at MJJ Production. And basically I would check my schedule. Upon my availability, I would book that job and take it from there.
Q. What do you understand MJJ Productions to be?
A. I believe it's Michael Joe Jackson Productions.
Q. Okay. Michael Jackson's production company?
A. Yeah.
Q. Okay. And when you say "Michael Jackson," you're referring to the gentleman seated in -- at the table to my right?
A. That's correct.
Q. And when you shoot video work, what type of documentaries? You mentioned that you would shoot video documentaries. Give me an example.
A. For example, Mr. Jackson would take a trip to London to do -- for, like, a fund-raising event. And I would shoot basically fans, media, everything that goes around it. And including the event itself.
Q. Would Mr. Jackson ever personally call you 7634

1 to set up one of these contracts that you'd do for
2 him?
3 A. Maybe a few times.
4 Q. Okay. And when I say "contract," I mean
5 you're a contractor, contracted employment?
6 A. That's correct.
7 Q. Okay. Did you ever do any public relations
8 type of photography for Mr. Jackson?
9 A. In what sense? Like --
10 Q. Videos or still photographs that were going
11 to be used for public relations purposes.
12 A. Sure.
13 Q. How many times, if you can approximate?
14 A. Maybe 20, 25.
15 Q. Did you interact with Mr. Jackson when you
16 were shooting those projects?
17 A. Sure.
18 Q. Can you tell me what his level of interest
19 was and involvement -- well, let's start with his
20 interest. When you did those projects, can you
21 characterize how involved -- let's strike that
22 question. We'll go right to involvement.
23 How involved would Mr. Jackson be with you
24 when you would be shooting a project that was for
25 public relations purposes?
26 A. How involved? Like what --
27 Q. Would he interact with you?
28 A. Sure. 7635

Q. And what would his level of interaction be in terms of what he wanted concerning the specific project?
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Do you understand the question?
A. Please repeat that question one more time.
Q. My question is, what would his level of interaction be with you regarding the video project that you're shooting for public relations purposes?
A. Mostly technical. Like lighting, camera angles.
Q. He would talk to you about that?
A. Sure.
Q. All right. Would he tell you what angles he wanted?
A. He would look at the monitor and then make some suggestions as to what he likes it to be.
Q. What about the finished product? Would he be interested or involved with you concerning what the finished project would look like?
A. Sure. Sometimes.
Q. All right. Were you ever present when he was shooting a music video?
A. Yes.
Q. What was -- was he involved in that process, if you know? 7636

A. Of the story? Or --
Q. The shooting of it. How involved would he be with the part of the project that you observed?
A. I'm sure he would be involved with the director as far as the story of the music video, and also with the director of photography for the look of the picture.
Q. As far as the finished product would go, can you characterize Mr. Jackson's level of interest in terms of how that finished product would come out?
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
You may answer.
THE WITNESS: Very perfectionist, I would say.
Q. BY MR. AUCHINCLOSS: Okay. And why do you say he's a perfectionist?
A. Because he would make comments that would make sense, changes, and using a level of perfectionism I would say.
Q. Were you familiar with a project that was -- that involved Martin Bashir that was entitled, ?Living with Michael Jackson??
A. Say that, your question, one more time.
Q. Are you aware --
A. Oh, yes, I am.
Q. -- of a video called ?Living with Michael Jackson,? a documentary? 7637

A. I am.
Q. Do you know if Mr. Jackson was involved in the production part of that documentary?
A. Production of it?
Q. Yes.
A. Meaning --
Q. The cutting, the editing. I'm talking about the whole production. Do you understand the word "production"?
A. I do understand the word "production."
Q. Okay.
A. When you say "involved," because Mr. Jackson was the subject of this documentary.
Q. I know.
A. Now, technically, was he involved technically with it?
Q. Yes.
A. In some level.
Q. And what level was he involved?
A. Mostly the look of the camera and the picture.
Q. Okay. And did you participate at all in the making of that video production?
A. The Martin Bashir, right?
Q. Yes.
A. Yes, I did.
Q. In what capacity?
A. I was called from Mr. Jackson's office to 7638

come to Neverland and supervise a production or a shoot that is taking place by Martin Bashir. I was -- usually my duties are to make sure that Mr. Jackson looks good in that monitor or a picture of it. That includes camera angles, lighting, other technical things. And that's what my involvement was for that documentary.
Q. Okay. What does the term □personal videographer□ mean?
A. A personal videographer would be someone who creates video images for another person.
Q. And is it uncommon in the world of celebrities for celebrities to have their own personal videographer?
A. Actually, it's called a personal DP. This stands for Director of Photography.
Q. All right.
A. It is common that celebrities have their own DP that they bring on a shoot, because that person is familiar with that, with the image of that celebrity, and it could help to create a good-looking picture.
Q. And during the period of time that you worked as a contractor for Mr. Jackson, were you his personal DP?
A. I worked on certain projects that I acted as a personal DP for Mr. Jackson.
Q. Was there anybody else during that time who 7639

1 was working with him as a personal DP?
2 MR. MESEREAU: Vague as to time.
3 MR. AUCHINCLOSS: That's fair.
4 Q. During -- I believe you said that you began
5 working with him in .97?
6 A. 1996.
7 Q. 1996. And when did you finish, stop working
8 with him?
9 A. I believe early 2003.
10 Q. Okay. So during that period, are you aware
11 if he had any other personal DPs?
12 A. At the beginning there was another gentleman
13 that also had the same kind of position.
14 Q. Uh-huh. And then at some point, did you
15 become the only personal DP for Mr. Jackson?
16 A. That's correct.
17 Q. When did that occur?
18 A. I think towards .97. 1997.
19 Q. Okay. So from .97 to 2003, were you Mr.
20 Jackson's personal DP?
21 A. That's correct.
22 Q. And did you ever travel with Mr. Jackson?
23 A. Yes, I did.
24 Q. Did you ever go on tour with Mr. Jackson?
25 A. Yes, I did.
26 Q. Did you ever go to places at Mr. Jackson's
27 behest, at his request, to meet him and do video
28 shoots? 7640

A. Yes, I did.
Q. Okay. Now, as far as the Martin Bashir video, you said that you participated in -- well, let me strike that.
Did you participate as a personal DP in any of the video shoots involving Michael Jackson for the Martin Bashir special?
A. Yes, I did.
Q. How many?
A. I'm sorry.
Q. Help yourself.
A. I think three sessions.
Q. Do you know the dates?
A. To my best memory, I think it was July 30th of 2002, July 31st of 2002, and the last session was mid-January of 2003.
Q. And on these individual shoots, what were your duties?
A. The very first session, I took some still photographs and I hired a crew to do like a behind-the-scenes footage.
Q. Where was this first one that occurred on July 30th? Where did that shoot take place?
A. At Neverland Valley Ranch.
Q. All right. And you took some stills?
A. That's correct.
Q. Okay. Any video shooting on that day?
A. Yes. 7641

Q. Did you help out with that at all?
A. Well, I hired a crew to do video and sound as a behind the scene, so, yes, there was a video and the still photography that day.
Q. And as far as the videographer for the actual special, the Martin Bashir special, did you do the video for that?
A. I helped Mr. Bashir's crew for lighting purposes.
Q. Okay. So Mr. Bashir had his own crew for that shot -- that shooting, and you assisted with lighting?
A. Well, yeah, my duty were to light Mr. Jackson.
Q. Did you also help out with camera angles?
A. Yes.
Q. And what's your goal when you try to assist in lighting and camera angles? What are you trying to do?
A. I try to make my subject the best that they can look.
Q. Okay. What occurred on the 31st -- first of all, let me back up. Where did that shoot occur?
A. The 31st?
Q. Yes.
A. Neverland Valley.
Q. And what did you do at Neverland Valley on that date? 7642

A. The second day, basically it was supposed to do just -- to be an interview only. So I helped Mr. Bashir's crew put up lighting. I did the lighting for Mr. Jackson. And I also recorded it on a separate camera.
Q. Did you record anything on a separate camera the first day?
A. Well, I had a crew the first day, which they were shooting behind-the-scene footage.
Q. So you had a separate camera both days?
A. They were different cameras, yes.
Q. Okay. And then you had another shoot in mid-January of .03. Where did that shoot occur?
A. Florida.
Q. Did you -- and I take it you flew to Florida to make that appointment?
A. That's correct.
Q. How did you become aware that that -- on the trip to Florida, how did you become aware that your services were going to be requested?
A. I believe I received a call from Mr. Jackson's assistant from MJJ Productions, and they informed me that there's going to be another interview with Martin Bashir of Mr. Jackson in Florida.
Q. Okay. And what did you do to help out on that particular shoot?
A. Mostly lighting for Mr. Jackson. 7643

Q. Did you do any behind-the-scenes video footage on that?
A. Yes, I did some footage of behind the scene and still photos.
Q. During the course of your work for Mr. Jackson, have you ever shot any videotape of a family with the last name of Arvizo?
A. Yes, I did.
Q. On how many occasions?
A. Approximately three.
Q. Do you remember the approximate month and year that those three video shoots took place or --
A. Each of them?
Q. Yes.
A. I believe the first one was October of 2000. Or, I'm sorry, the first one was September 2000, if I remember correctly.
The second was -- the second one was October of 2000, if I remember correctly.
And I believe the last one was February 19 of 2003.
Q. Were you present -- well, let me ask you, first of all, did you see the Martin Bashir special?
A. Living with Michael Jackson?
Q. Yes.
A. Yes.
Q. Did you see the segment in which Gavin Arvizo appears in that documentary? 7644

A. Well, there's two versions. There's an ABC version and a BBC version. I saw the ABC version.
Q. Okay.
A. And I saw Gavin with Mr. Jackson in a scene.
Q. Were you present when that scene was shot?
A. No, I was not.
Q. Okay. Let's go back to the first video that you did for Mr. Jackson on -- involving the Arvizo family. You said it was September 2000. What was that shoot about?
First of all, tell me, if you can recall, who contacted you.
A. If I remember correctly, I received a call from MJJ Productions, Mr. Jackson's personal assistant, and they informed me that Mr. Jackson wants me to go to Neverland to shoot some footage.
Q. And you arrived at Neverland?
A. That's correct.
Q. Did you have any crew with you?
A. I believe I had one assistant, if I remember correctly.
Q. And what did you do at Neverland on that particular occasion?
A. I was told by Mr. Jackson to get some footage of Gavin and him walking around at Neverland.
Q. Is that the first time you met Gavin?
A. I believe so. 7645

Q. Did you meet any other members of the Arvizo family on that trip?
A. His brother.
Q. Do you recall his name?
A. Star.
Q. So tell me how you went about your task of getting video footage. How did that happen, specifically?
A. I believe I was told by Mr. Jackson to just get some coverage, footage of Mr. Jackson and Gavin walking around the Neverland.
Q. Were these shoots scripted at all?
A. No.
Q. How did you go about getting this video footage?
A. I would basically decide what angle, how, where, you know, to shoot this footage.
Q. And who would decide the arrangement of the subjects and what the subjects would be doing?
A. Sometime Mr. Jackson will direct me as far as what shots he wants. But most of the time he would leave it up to me.
THE COURT: All right. Let's take our break.
(Recess taken.)
THE COURT: Counsel?
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. BY MR. AUCHINCLOSS: Mr. Moslehi, where we left off, we were talking about the September 2000 7646

video that you shot of Gavin and Michael Jackson.
Now, my last question really deals with
the -- dealt more with the subject -- what the
individual subjects of that video were doing.
First of all, let me ask you, who were the
individual subjects in that video?
A. Mr. Jackson.
Q. Yes.
A. Gavin. I believe there was a shot of three
of them, with Star, the brother.
Q. All right. Anybody else who appeared in
that video?
A. Not that I remember.
Q. And in terms of what Mr. Jackson was doing
in that video, who decided that, what he was doing,
in terms of whether he was standing in a place,
walking, that kind of thing?
A. Well, Mr. Jackson asked me to shoot some
footage, and while he was walking with Gavin, I will
decide whether to get an over-the-shoulder shot,
which is a back shot, or run in the front and get a
front shot.
Q. Okay. I understand that you were in charge
of shooting the photography, the video, and that you
made a decision about camera angles, right?
A. Sure.
Q. And but in terms of what Mr. Jackson was
doing when you shot those photographs, did you 7647

direct him, or did Mr. Jackson do that on his own?
A. You mean the video, right?
Q. Yes. What he was doing.
A. He was walking with Gavin, I guess.
Q. Did you understand my question?
A. No, I'm sorry. Go ahead.
Q. Who made that decision, what Mr. Jackson was doing, what he did in that video? Who decided --
A. Himself. Mr. Jackson himself.
Q. So you didn't tell him, "Go stand over there. And now I want you to walk across" --
A. No.
Q. Okay. He decided.
Let's talk about the second video. You mentioned that was in October of the same year; is that right? 2000?
A. As I remember, yes.
Q. Who were the subjects of that video?
A. Well, the video was a pilot. A pilot is like a little sample of an idea. Mr. Jackson -- well, I had a meeting with Mr. Jackson, and he informed me that he likes to do a program called "Neverland Channel."
Q. Okay.
A. Which is like --
Q. So this was a little pilot --
MR. MESEREAU: Objection. I don't think the witness completed his response, Your Honor. 7648

MR. AUCHINCLOSS: Then I believe we were getting nonresponsive. But --
THE COURT: Well, you can ask him another question. Go ahead.
Q. BY MR. AUCHINCLOSS: All right. So going back to my original question, who were the subjects of that video?
A. The host of the video was Star, Gavin's brother.
Q. Okay. And who else appeared in that video?
A. Some other kids, including Gavin, and some animals.
Q. How long did that video take to shoot?
A. A good 16-hour day it was.
Q. 16 hours?
A. Yeah. One day.
Q. Did Star exhibit any natural talent in terms of his ability to host this program?
A. Natural talent meaning?
Q. Talent.
A. Was he be able to do this right, or --
Q. Correct.
A. Not really.
Q. Tell me what you mean.
A. Well, first of all, dealing with kids and animal in production is really tough.
Q. Uh-huh.
A. But when you deal with both of them, is just 7649

another situation that it's really tough to shoot. Star did not have enough, I guess, rehearsal or talent to do this video right, so we had to take a lot of takes and that kind of thing. Is that what --
Q. Yeah, that's the question.
For instance, how many takes would it take -- how many different takes would you run before you got a good shot of Star doing what you wanted him to do?
A. Well, I -- if I remember correctly, I never ended up getting a really good shot that I was looking for. But it would take like 15 takes, maybe, just to get a little piece so I can probably fix it in editing and put a piece together.
Q. All right. What were Star's shortcomings, if you could characterize them, in his ability to be the host of this program?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: May I answer?
THE COURT: You may.
THE WITNESS: Well, the way he was basically acting in front of a camera, and, you know, just like his skills, I guess. It wasn't -- it wasn't professional.
Q. BY MR. AUCHINCLOSS: Okay. Were you the producer of this particular video? 7650

A. Yes, I was.
Q. Okay. Were there any other individuals who were involved in this, other than yourself?
A. Crew-wise? Like other --
Q. Any fashion.
A. Yes.
Q. Was there a crew?
A. Yes, I hired a crew to shoot this.
Q. What about in the production of it? Was there anybody else who was involved in the production of it?
A. Well, production is like really the crew who shoot the footage, or sound, that kind of stuff. Is that what your question --
Q. I mean pre-production --
A. Oh, pre-production.
Q. -- production or post-production. Anybody else involved in any production aspect?
A. Well, the pre-production was mostly me and Mr. Jackson.
Q. Okay.
A. Production was me and my crew.
Q. Okay.
A. And post-production was me.
Q. Okay. Was Frank Cascio involved in this production at all?
A. Yes, he was.
Q. In what fashion? 7651

A. Co-producer.
Q. And what does that mean?
A. Like somebody who coordinates things. For example, he would practice with the talent, in this case Star, go through his lines. That kind of thing.
Q. When you say Mr. Jackson helped you with pre-production, what did you mean by that?
A. As I said, we had a meeting with -- I had a meeting with Mr. Jackson, and Mr. Jackson explained to me what he wants to create for this look, or for the story of it. So that's part of the pre-production.
Q. Okay. Did you go through what was going to be said by Star or the individuals who were appearing?
A. With Mr. Jackson?
Q. Yes.
A. I -- I don't think so.
Q. Okay. Did you go through what the individual shoots would involve? Any specifics about what the program -- that program or pilot would be about?
A. We covered certain style of the coverage, if I remember correctly.
Q. Okay.
A. With Mr. Jackson.
Q. Who is Frank Cascio? 7652

A. Frank is a friend/associate of Mr. Jackson.
Q. Do you know Frank Cascio?
A. Yes, I do.
Q. How long have you known him?
A. I believe I saw him at the tour, which was 1996.
Q. I'm sorry?
A. In 1996, Mr. Jackson did a tour. And if I remember correctly, Frank was there.
Q. Where was that tour?
A. It was a world tour.
Q. Were you present during the entire tour?
A. Yes, I was.
Q. And where did that world tour go?
A. We went to a lot of different countries. I would say 40, 50 countries. 40, 50 countries.
Q. How long did the tour take?
A. It was a year -- well, eight months in a year-and-a-half period.
Q. Was Mr. Cascio there the entire time?
A. On and off.
Q. What percentage of time would you say he was on the tour with Mr. Jackson?
A. I would say maybe 30 percent.
Q. All right. I'd like to show you some photographs at this time.
If I may approach, Your Honor.
THE COURT: Yes. 7653

Q. BY MR. AUCHINCLOSS: All right.
Mr. Moslehi, I show you People's Exhibit 338. Can you identify that for me, please?
A. These are the Arvizo kids, or Star, Gavin and I believe Davellin.
Q. All right.
I show you People's Exhibit 844. Can you identify that for me, please?
A. Mr. Jackson and Frank.
Q. Did you take this photograph?
A. I believe I did, yes.
Q. When was that photograph taken?
A. If I remember correctly, December, November of 2002.
Q. People's Exhibit 27, do you recognize that individual?
A. Yes.
Q. Who is that?
A. I believe his name is Christian Robinson.
Q. People's Exhibit 41, can you identify that individual for me?
A. I believe he's Marlon Brando's son, Miko Brando.
Q. Okay. People's Exhibit 39, can you identify that individual?
A. I believe he's Joe Marcus, the property manager.
Q. Property manager for where? 7654

A. Neverland.
Q. People's Exhibit 42, have you ever met this individual?
A. Yes. His name is Stuart Backum (sic).
Something like that.
Q. Okay.
A. He was a spokesman of Mr. Jackson for a short period of time.
Q. Do you recognize this individual in Exhibit No. 23, People's Exhibit 23?
A. I believe he's Brad Miller.
Q. Okay. People's Exhibit 18, do you recognize that individual?
A. Ronald Konitzer.
Q. People's Exhibit 17, can you identify that one for me?
A. Dieter Ron -- Weizner.
Q. People's Exhibit 19?
A. I believe Vinnie Amen.
Q. People's Exhibit 16?
A. Marc Schaffel.
Q. People's Exhibit 845 appears to be a photograph of a number of individuals. Do you recognize this photograph?
A. Yes.
Q. And what is it a photograph of?
A. Marc Schaffel, Mr. Jackson, and I believe that individual in the back is Rudy. I'm not sure 7655

about his last name. Provencio.
Q. Do you know the other two individuals in the photograph?
A. No, I don't.
Q. Okay. People's Exhibit 846 appears to be a similar photograph. Can you identify that for me?
A. Yes. Michael Jackson. Nick Carter. Frank. Schaffel.
Q. Frank Cascio?
A. Frank Cascio. Or Schaffel. And Rudy.
Q. Okay. And the other two individuals who you didn't know?
A. I didn't.
Q. Okay. One final photograph of a similar subject. Please identify that. I should say the second -- the last one I showed was 846. This is 847.
A. I see Mr. Jackson, Marc Schaffel, Aaron Carter and Rudy. And I believe the other gentleman is Brad Buxer.
Q. Okay. These three photographs, 847, 846 and 845, were you present when these photographs were shot?
A. Actually, I think these are freeze frames of a video, if I'm correct.
Q. Yes.
A. Yes, I was.
Q. Okay. So you actually observed these shots 7656

as they were being taken?
A. That's correct.
Q. And Exhibit 193, can you identify that for me?
A. That's my house.
Q. Okay. That's one of the rooms in your home?
A. That's correct.
Q. Which room?
A. Well, it's a billiard room.
Q. All right. And 194?
A. That's like a living room.
Q. In your home?
A. In my house.
MR. AUCHINCLOSS: All right. Your Honor, at this time I'd like to admit into evidence Exhibit 847, 846, 845, 16, if it hasn't been admitted, 42, 39, 41, 27 and -- I should say 27 and 844.
MR. MESEREAU: No objection.
THE COURT: All right. They're admitted.
Q. BY MR. AUCHINCLOSS: All right. You mentioned a few names that I'd like to ask you some questions about.
And if I could have the Elmo, Your Honor.
First of all, I'll show you People's Exhibit 844. Is that the photograph that you said you shot of Mr. Jackson and Frank Cascio?
A. That's correct.
Q. And where was that shot taken? 7657

A. I believe we were at Neverland Valley.
Q. All right. And do you know what the purpose of this shot was?
A. I think it was just documentary.
Q. I show you Exhibit No. 23. You've identified this subject as Brad Miller.
A. That's correct.
Q. Have you met Mr. Miller?
A. Yes, I believe I did.
Q. Where did you meet Brad Miller?
A. At my house.
Q. And when did you meet Brad Miller?
A. I believe it was February 19, 2003.
Q. Exhibit 16, who is that, please?
A. Marc Schaffel.
Q. Exhibit 42?
A. Stuart. Again, I'm not sure what his last name.
Q. How did you meet Stuart?
A. At Mr. Schaffel's house, I believe.
Q. During what time frame? When did you first meet him?
A. I would say between February 10 -- approximately February 10 of 2003 till February 18 of 2003.
Q. Showing you Exhibit 39 at this time, who is that?
A. I believe it's Joe Marcus. 7658

Q. And you know him to be associated how with
Mr. Jackson?
A. I believe he's the property manager of
Neverland Valley.
Q. Exhibit 41, who is that?
A. Miko Brando.
Q. How did you meet Miko Brando?
A. I believe I met him at Neverland.
Q. People's Exhibit 17 you've identified as Mr.
Weizner?
A. Dieter Weizner.
Q. Okay. 18, is that Mr. Konitzer?
A. Ronald Konitzer.
Q. And 27, who is that?
A. Christian Robinson, I believe.
Q. All right. Finally, showing you People's
Exhibit 845, you've identified this as a video
still?
A. This is a freeze frame of a video.
Q. Okay. Can I have the laser pointer, please?
If you could use that laser pointer,
Mr. Moslehi, and show us, identify for us -- we know
Mr. Jackson. You identified Mr. Schaffel in that
photo. And you've also identified two individuals
that you could not -- that you did not recognize.
Would you point the photo -- or the laser at
those two individuals?
Indicating in the center and indicating to 7659

the right corner.
And the individual who you've identified as Rudy, indicating on the left side in the white T-shirt.
Showing you 847, please point out the various individuals in this photograph for us.
A. And name them?
Q. That you recognize.
A. Oh. Marc Schaffel.
Q. Yes.
A. Mr. Jackson.
Q. Yes.
A. Aaron Carter.
Q. Who is Aaron Carter?
A. He's an entertainer or a musician or a singer.
Q. Okay.
A. I believe that's Rudy.
Q. Yes.
A. And I believe that's Brad Buxer.
Q. Okay. Who is Brad Buxer?
A. Mr. Jackson's musical director.
Q. All right. Same question for Exhibit No. 846. Would you identify the subjects in that photograph?
A. Mr. Jackson.
Q. Yes.
A. Nick Carter. 7660

Q. Who is Nick Carter?
A. Aaron Carter's brother, which is another musician or singer. Entertainer.
Q. All right.
A. I believe that's Frank.
Q. Yes.
A. I believe that's Schaffel.
Q. Uh-huh.
A. And I believe that's Rudy.
Q. Okay. Appearing in the left-hand corner with the T-shirt?
A. That's correct.
Q. And the individuals in the center of the photograph, you don't recognize them?
A. I do not.
Q. All right. Thank you.
Okay. Mr. Moslehi, at some time during the early part of 2003, you said that -- well, let me strike that. In 2003, did you perform some video services for Michael Jackson in the early part of 2003?
A. Yes, I did.
Q. And I believe you, first of all, characterized that you did some assistance in the Martin Bashir documentary in January; is that correct?
A. Mid-January of 2003.
Q. Okay. Subsequent to that, did you perform 7661

some more -- some additional video services for Mr. Jackson?
A. Yes, I did.
Q. All right. And could you describe the first one? First, let me strike that.
How many projects or individual shoots did you involve yourself in at the request of Mr. Jackson for the remainder of 2003?
A. I would say five or six projects.
Q. Okay. Tell us about the first one. Tell me what -- first of all, what was the subject matter of the first shoot, the first of those shoots?
A. Well, I believe the very first project, if I'm not wrong, it was the Martin Bashir, which was --
Q. Yes.
A. -- mid-January of 2003.
Q. Yes. And what was the next one?
A. Next one, I believe, was a shoot in Florida which never took place.
Q. Okay. Let's start with that one. Well, let me ask you this, first of all:
Prior to that shoot in Florida, did you do any video -- any other video production between the shoot -- between going to Florida and the Martin Bashir documentary?
A. I'm not sure.
Q. All right. Do you recall doing a video 7662

shoot on February 5th, 2003?
A. I think there was an interview with Debbie Rowe.
Q. All right. Where did that interview take place?
A. At Marc Schaffel's house. Calabasas.
Q. When did you first learn that that was a project that Mr. Jackson wanted you to shoot?
A. Maybe a day before.
Q. Who informed you of that?
A. I'm not sure. Could have been Mr. Jackson's personal assistant or his new managers.
Q. Okay. Who were his new managers at that time?
A. Ronald and Dieter.
Q. When did you first learn that Ronald and Dieter were Michael Jackson's new managers?
A. I believe I had a meeting with them in late 2002. I would say November, December.
Q. Uh-huh.
A. And they informed me that they were going to take the management from, I guess, the beginning of the year.
Q. Did Mr. Jackson ever confirm that, that they were his new managers?
A. Not directly, but somehow indirectly.
Q. What do you mean?
A. Once I called Mr. Jackson to ask him a 7663

question, and he asked me to call Dieter.
Q. Okay. Did he indicate what -- who Dieter was, to why he wanted you to call Dieter?
A. Why Mr. Jackson wanted to know --
Q. Why Mr. Jackson wanted you to call Dieter. Did Mr. Jackson tell you?
A. Well, I think Dieter had the answer for whatever question I had.
Q. I'm not asking what you think. I'm asking you if Mr. Jackson told you why he wanted you to call Dieter.
A. He didn't specifically told me why, but he just advised me to call Dieter.
Q. Do you know what the subject matter was? Do you remember the subject matter of that conversation?
A. I don't remember.
Q. So you were instructed to do a video shoot of Debbie Rowe?
A. That's correct.
Q. And where did that shoot take place?
A. At Mr. -- at Marc Schaffel's house.
Q. Who told you to show up at Marc Schaffel's home?
A. It could have been either Mr. Schaffel or Dieter.
MR. AUCHINCLOSS: Just a moment.
(Off-the-record discussion held at counsel 7664

1 table.)
2 Q. BY MR. AUCHINCLOSS: All right. Going back
3 to this video shoot, what was the purpose of it?
4 A. The Debbie Rowe?
5 Q. Yes.
6 A. I believe it was like a response for what
7 the Martin Bashir documentary was about.
8 Q. Had the Martin Bashir documentary aired in
9 the United States at that time?
10 A. I don't think so. I'm not sure.
11 Q. All right.
12 A. If I remember correctly, that documentary
13 was aired on the 6th of February.
14 Q. Okay. Did you see the Martin Bashir
15 documentary?
16 A. Yes, I did.
17 Q. Where did you see it? Where were you when
18 you saw it?
19 A. I was in Florida.
20 Q. Do you specifically remember whether you
21 shot the Debbie Rowe footage before you went to
22 Florida?
23 A. I believe, yes. The day before.
24 Q. The day before?
25 A. The day before.
26 Q. All right. So whatever day you went to
27 Florida, the day before that, you shot the Debbie
28 Rowe footage? 7665

A. That's correct.
Q. Now, tell me, who was at Marc Schaffel's home at the time this footage was shot?
A. There was Debbie, another lady, the interviewer, which I forgot his name, Schaffel, Christian Robinson, me, and my crew.
Q. And what was Mr. Schaffel's role in this shoot?
A. I believe some sort of producer.
Q. Okay. And specifically what did he do?
A. He would have, like, a questionnaire in his hand to let the interviewer -- what to ask.
Q. What did this questionnaire look like?
A. Pieces of paper.
Q. Did the interviewer -- who was the interviewer?
A. I forgot his name.
Q. This is the fellow you can't remember his name?
A. That's correct.
Q. And the interviewer, did he have any paper in his hands when he was asking the questions?
A. During the interview, I don't remember seeing him having any paper in his hand.
Q. Would he ever confer with Mr. Schaffel about how this interview would proceed?
A. Prior to this shoot or during the shoot?
Q. At any time. 7666

A. They had some interactions as far as, you know, what kind of questions to ask and so on.
Q. And how many times did they interact about how this interview was going to be conducted?
A. Approximately?
Q. If you can recall, yeah, approximately.
A. Six, seven times, maybe.
Q. How many times before the interview started did they have discussions of that nature?
A. I'm not sure.
Q. And this interview, after you finished shooting it, what did you do with the footage?
A. Mr. Schaffel took it.
Q. Did he take it on that day?
A. Yes.
Q. It was in video format?
A. That's correct.
Q. Okay. So you said the next day after that shoot, you went to Florida?
A. That's correct.
Q. What city in Florida?
A. Miami.
Q. And why did you go to Florida?
A. I was informed that there's going to be some sort of video shoot.
Q. Who informed you of that?
A. Either Mr. Jackson's personal assistant or Dieter. 7667

Q. And when you say his personal assistant, do you mean Evvy?
A. That's correct.
Q. How long has Evvy been his personal assistant, as far as you know?
A. Years. Maybe 15 years. Something like that.
Q. Okay. She was his personal assistant when you began in .96?
A. That's correct.
Q. And were you informed of what the nature of this video shoot was going to involve in Florida?
A. No, I was not.
Q. Were you informed of what type of equipment you would need?
A. Video equipment.
Q. Anything else?
A. Well, I usually take, like, my still camera, too.
Q. Did you have any employees with you?
A. No.
Q. Okay. So tell me the arrangements that you made before you left for Florida, if any.
A. Since I couldn't take anybody with me, if I remember correctly, I called a rental house, which they rent equipment and -- video equipment, and booked some equipment so when I get there, I have the proper equipment that I need. Then basically I 7668

grabbed all my equipment that I could carry by myself and flew to Florida.
Q. Where did you go when you arrived in Florida?
A. I believe one of Mr. Jackson's drivers picked me up and they drove me to Mr. Jackson's hotel.
Q. Which hotel was that?
A. I don't remember the name of the hotel.
Q. And where did you go when you arrived at the hotel?
A. To my room.
Q. Okay. Did you meet with anybody at the hotel on that day?
A. I met with Dieter and Ronald that day.
Q. Where did that meeting take place?
A. I believe at their room.
Q. And what did that meeting consist of? What was it a meeting about?
A. Mostly about just them taking over the management; they're the new managers, and the way they liked to conduct business from now on.
Q. Okay.
A. And also we had discussion about my unpaid invoices.
Q. Okay. Did you have some unpaid invoices at that time?
A. I'm sorry? 7669

Q. Did you have some unpaid invoices --
A. Yes, I did.
Q. -- that were owed by MJJ Productions?
A. Yes, I did.
Q. What kind of figure are we talking about at that time? How much money was owed to you, approximately?
A. About $250,000.
Q. How long had you been owed that money?
A. Well, this was like a year and a half worth of unpaid invoices, so it kept adding up.
Q. Would you bill as the invoices would accrue?
A. I'm sorry?
Q. Would you make bills out and send them to Mr. Jackson's company --
A. That's correct.
Q. -- as the bills would accrue when you do the work?
A. Yeah, I would finish the work and render an invoice and mail it to Mr. Jackson's office.
Q. So, did you have any discussions with Mr. Konitzer and Mr. Weizner about what you were to do in Florida?
A. I asked them what the purpose is. I guess they didn't know or they didn't want to let me know, but I was never informed specifically why I went there. But at one point I was informed that it's not going to happen. 7670

Q. When did that happen?
A. I believe was either the same day that I got there or it could be the same -- the day after.
Q. Who told you that it wasn't going to happen?
A. I believe Dieter.
Q. Did you see any other individuals there that you recognized from the previous shoot at Debbie Rowe's -- at Marc Schaffel's house involving Debbie Rowe there in Florida when you were there?
A. If I remember correctly, there were -- I only met with Ronald and Dieter and Mr. Jackson's bodyguard.
Q. Who was that?
A. At the time I believe it was Mike and another gentleman.
Q. What was the -- what was their involvement, the two bodyguards? What did they have to do with this meeting?
MR. MESEREAU: Objection; foundation.
MR. AUCHINCLOSS: Maybe I'll start over again.
Q. Was the meeting with the bodyguards separate from the meeting with Mr. Konitzer and Mr. Weizner?
A. Well, it wasn't a meeting with them, but I met them there. I mean, I saw them there.
Q. Okay.
A. You know.
Q. Did you talk to them? 7671

A. Yeah. Casually.
Q. Did you ever see the individual who was the interviewer in the Debbie Rowe shoot in Florida while you were there?
A. Not that I remember.
Q. Sorry?
A. Not that I remember --
Q. Okay.
A. -- seeing him there.
Q. Did you see Mr. Jackson while you were in Florida?
A. I don't believe I did.
Q. Did you receive any other instructions while you were in Florida from Mr. Weizner or Mr. Konitzer?
A. Well, I informed them about having some footage of Martin Bashir, behind-the-scene documentary. And after discussing certain matters, they advised me to call Marc Schaffel.
Q. Did you call Marc Schaffel?
A. Yes, I did.
Q. While you were in Florida?
A. I believe so.
Q. Did you receive any instructions from Mr. Schaffel?
A. He wanted me to come back to L.A. so I can show him the footage.
Q. Okay. Did you do so? 7672

A. Yes, I did.
Q. When did that occur?
A. I believe the day after.
Q. So you fly back to Los Angeles. You didn't do any photography at all in Miami?
A. No.
Q. And then the next day you meet with Mr. Schaffel?
A. That's correct.
Q. And what did Mr. Schaffel -- what was that conversation about with Mr. Schaffel?
A. If I remember correctly, I explained to him that I have -- I have certain footage of behind the scene that I shot during Martin Bashir production, and that I have made some agreement and arrangement with Dieter and Ronald in regard to usage of this footage, and they asked me to see you. And then I showed him the footage, and that was it.
Q. Okay. Did you receive any further instructions from Mr. Schaffel during the month of February concerning any other shoots, video shoots?
A. Some additional footage of Mr. Jackson's family interviews, some of Mr. Jackson's archival footage and so on.
Q. I'm talking specifically about new video footage that you shot in the month of February --
A. Okay. 7673

Q. -- at the request of Mr. Schaffel. Did you shoot any such video?
A. Well, there was some -- I mean, there were a few projects within the same one project --
Q. Okay.
A. -- which contained footage and creating a new footage of certain people.
Q. Let's begin with what the nature of this new one project was. What was the purpose of this new one project?
A. Was like -- was a rebuttal documentary of the Martin Bashir documentary.
Q. And who did you take new video footage of for purposes of that documentary?
A. I believe we shot Mr. Jackson's parents, including his brother.
Q. Where did that take place?
A. At the Encino place in California. Mr. Jackson's house. Joe Jackson's house in Encino.
Q. Okay. And do you know what date that video was shot?
A. Approximately February 15.
Q. All right. Any other video footage that you shot for this rebuttal film or this rebuttal documentary?
A. We're talking new footage, right?
Q. Yes. New footage.
A. Well, we shot some footage of the Arvizo 7674

family, but it never got used. Never got aired on the FOX.
Q. Okay. So let's talk about that.
You were -- were you assigned to shoot video footage of the Arvizo family for purposes of this rebuttal video?
A. That's correct.
Q. Who assigned you to that task?
A. I believe was Marc Schaffel.
Q. Okay. Do you know?
A. I think it was Marc Schaffel.
Q. Okay. And were you instructed the nature of this video, what this video footage would be about involving the Arvizo family?
A. Well, this footage were supposed to be used in that rebuttal documentary that Martin Bashir basically originally did. So --
Q. Okay. Was this rebuttal film -- did this rebuttal film have a public relations purpose?
A. Sure.
Q. What was the public relations purpose?
A. Well, to make Mr. Jackson look good.
Q. Okay. And so what was the purpose -- or let me strike that.
Were you ever informed as to what the purpose of taking video footage of the Arvizo family was? What was the purpose for taking footage of the Arvizo family? 7675

A. Well, in the Martin Bashir documentary there was a shot of Gavin, I believe, and Mr. Jackson holding hands, which it created some sort of controversy about it. And we were trying to show that basically there was nothing between Mr. Jackson and Gavin that they were saying on the media and news and stuff like that.
Q. I'm not sure I understand. There was nothing that -- that they were saying?
A. Well, just to rebuke (sic) that shot that -- basically Mr. Jackson holding the hand of Gavin. We were putting this family in front of a camera just to see what they have to say and use it in that rebuttal documentary.
Q. Did you discuss this video-shooting with Mr. Schaffel?
A. Of the Arvizo family?
Q. Yes.
A. Sure.
Q. Was it anticipated at all that this video would be a positive thing for Mr. Jackson?
A. Sure.
Q. How so? How was it anticipated that this was going to be good for -- make Mr. Jackson look good?
A. Well, the footage that I shot of Martin Bashir during Martin Bashir production, there were a lot of segments or scenes that Mr. Bashir was 7676

saying --
Q. I'm going to interrupt you as not --
MR. MESEREAU: Objection to interrupting the witness.
MR. AUCHINCLOSS: It's nonresponsive.
MR. MESEREAU: It is responsive, I believe, Your Honor.
THE COURT: It is.
I'll allow you to finish the question -- or the answer. Do you want me to have the part read that you answered?
THE WITNESS: I'm sorry, say that again?
THE COURT: I'm going to allow you to finish your answer. Do you want to hear the first part of your answer?
THE WITNESS: I forgot what I was talking about.
THE COURT: Read him the part of his answer.
MR. AUCHINCLOSS: I'm sorry, Your Honor, my question dealt with the previous question of the video of the Arvizos. It was not a general question about the video, the whole video.
THE COURT: I'll let her read the question.
MR. AUCHINCLOSS: All right.
(Record read.)
THE COURT: Now you can finish your answer.
THE WITNESS: (Continuing) -- that Mr. Bashir was saying good thing about Michael Jackson. 7677

Q. BY MR. AUCHINCLOSS: Okay. I'm going to go back to my -- what I intended to ask or make. How was the Arvizo family footage anticipated -- how was it anticipated that this would help Mr. Jackson to look good, in your discussions with Mr. Schaffel?
A. Well, I mean, at that time, I don't think, there was no footage of the Arvizo, but we were supposed to shoot this footage.
Q. Right. I'm talking about the planning of it. You planned to shoot the Arvizo family, correct?
A. Correct.
Q. The plan was to do a video, a rebuttal video, that would make Mr. Jackson look good?
A. Overall, the plan of the rebuttal documentary was to make -- basically make Mr. Jackson look good.
Q. Was shooting the Arvizo family something you did to try and make Mr. Jackson look good in this rebuttal film?
A. Well, at the time, I didn't know how the final piece would look, because we were still in the production phase of this whole production. Once it's edited and you look at it, then you can, you know, basically decide whether that's going to make him look good or not.
Q. Let's just move on.
The -- where was this -- originally where 7678

1 was this video shoot to take place?
2 A. At Neverland.
3 Q. And whose idea was that?
4 A. I believe was Marc Schaffel.
5 Q. Okay. Did you ever go to Neverland to do
6 this shoot?
7 A. Yes, I did.
8 Q. When was that?
9 A. February 19, 2003.
10 Q. Did you bring any assistants with you, any
11 assistants with you?
12 A. I took two people, crew, with me.
13 Q. What time did you arrive at Neverland?
14 A. I would say late afternoon, early evening.
15 7:00-ish, kind of. 6:00-ish.
16 Q. Did you contact any members of the Arvizo
17 family at Neverland that day?
18 A. I saw the three kids at Neverland, and I
19 told them that, "We're supposed to shoot an
20 interview with you guys."
21 Q. Okay. The three kids, Gavin, Star and
22 Davellin?
23 A. That's correct.
24 Q. Was Janet at Neverland that day?
25 A. She was not.
26 Q. Was there any plan to shoot this video with
27 Janet in it?
28 A. Yes, it was. 7679

Q. So did you make an effort to determine where Janet was?
A. I asked the kids where their mom is.
Q. Okay. What happened next?
A. They said, "She's not here."
Q. What did you do after that?
A. I asked them if they know where she is, because we're supposed to set up this lighting and camera equipment and do the interview. They -- I believe they told me that, "She's not here," and they're going to -- I asked them if they can call her to see if she's going to do it or not, or what's the schedule.
Q. During that period, did you have any contact with Mr. Schaffel concerning this problem of the mother not being there?
MR. MESEREAU: Objection. Misstates the evidence; move to strike.
THE COURT: Overruled.
You may answer.
THE WITNESS: Did I have any conversation with Schaffel? I believe so.
Q. BY MR. AUCHINCLOSS: Okay. Tell me about it. Did you contact Mr. Schaffel?
A. I believe either he called me or I called him. I'm not sure. But there was a conversation saying that, "Janet, the mother, is not here."
Q. And what was Mr. Schaffel's -- did Mr. 7680

1 Schaffel have a solution to this issue?
2 A. I guess not at --
3 MR. MESEREAU: Objection; hearsay.
4 MR. AUCHINCLOSS: Offered in furtherance.
5 THE COURT: First of all, that requires a
6 □yes□ or □no□ answer.
7 MR. AUCHINCLOSS: Okay. Fair enough.
8 Q. Did Mr. Schaffel have a solution of this
9 issue of Janet not being there where you intended to
10 shoot the video involving the entire family?
11 A. Not at the time, I guess. It was just
12 information going back and forth.
13 Q. Okay. At some point while you were at
14 Neverland, did you talk to Janet Arvizo on the
15 phone?
16 A. Yes, I did.
17 Q. Had you previously met Janet Arvizo?
18 A. Yes, I believe I did.
19 Q. Okay. When had you previously met her?
20 A. Where?
21 Q. Where, let's say where?
22 A. At Neverland Valley.
23 Q. Okay. Was that during one of the shoots
24 that you had done with the Arvizo family before, the
25 Arvizo kids?
26 A. The year 2001?
27 Q. Yes.
28 A. I don't think so. 7681

Q. Okay.
A. It was maybe a birthday party of Mr. Jackson's kids or things like that.
Q. Okay. Did you make any efforts to get Janet to come to Neverland to do the shoot?
A. If I remember correctly, I had a conversation on the phone with her.
Q. Yes.
A. And I asked her whether she was going to do it or not so that I know what my schedule would be for that day.
Q. Okay. Did she want to do this video shoot?
MR. MESEREAU: Objection. Foundation; calls for speculation.
MR. AUCHINCLOSS: It's offered --
THE COURT: Foundation; sustained.
MR. AUCHINCLOSS: Okay.
Q. Did she describe to you whether or not she was willing to do the rebuttal video shoot?
A. I believe at the beginning she was not happy to do this rebuttal video.
Q. Okay. Did she tell you why she didn't -- was not happy about it?
A. Um --
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered for state of mind.
THE COURT: Well, the question is, did she tell you why she was not happy? But without telling 7682

1 us any more, did she? Did she tell you that,
2 whether or not she was happy?
3 THE WITNESS: She told me that she's not
4 happy.
5 THE COURT: Okay. So the Court will allow
6 that for the limited purposes of her state of mind
7 at that time.
8 Q. BY MR. AUCHINCLOSS: So my follow-up
9 question, did she tell you -- and this is "yes" or
10 "no." Did she tell you what she was unhappy about,
11 why she was unhappy about doing the rebuttal filming
12 or video?
13 A. I believe yes, she did.
14 Q. What did she tell you?
15 MR. MESEREAU: Objection; hearsay.
16 MR. AUCHINCLOSS: Offered for state of mind.
17 THE COURT: I'll admit this, her statement,
18 for the limited purpose of her state of mind, not
19 the truth of the matter asserted in the statement.
20 You may answer.
21 Q. BY MR. AUCHINCLOSS: All right. Go ahead
22 and answer that question.
23 A. Did she tell me why she didn't want to do
24 it?
25 Q. Yes.
26 A. She said since -- if I remember correctly,
27 she said since the rebuttal documentary of Martin
28 Bashir has aired, her life turned upside down 7683

because of the, you know, media and press following her, and that kind of stuff. And if I remember correctly, she said, "The last thing I want to do is do another video, you know, and expose myself to more hassle."
Q. Did she want her children to be in another video?
A. I'm not sure.
Q. Was that any part of her concern?
A. Yeah, yeah.
MR. MESEREAU: Objection; asked and answered.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you make any efforts to persuade her to make this video?
A. If I remember correctly, I told her that we're doing this rebuttal documentary and --
Q. That's really a "yes" or "no" question.
A. I'm sorry, say that again, the question.
Q. Yeah. Did you make any efforts to persuade her to do the rebuttal video, the rebuttal video involving --
A. Yes.
Q. -- this segment?
A. Yes.
Q. And what was your purpose in doing that?
A. So I can get the production done.
Q. Okay. How long did you talk to her on the 7684

phone?
A. I would say 20 minutes, approximately 20.
Q. And was that 20 minutes largely -- did that deal with anything other than persuading her to agree to do the video? Did you talk about anything else?
A. She talked -- me or her or both parties?
Q. No, you said you were having a conversation. She's reluctant; true? You're persuading her. Was there anything -- any discussion, other than her coming to do the video, during that 20-minute phone conversation?
A. Not that I remember.
Q. All right. When you finished the phone conversation, had Janet Arvizo agreed to do anything?
A. I believe she agreed to do this video finally.
Q. Do you have a specific recollection whether she agreed to it or not?
A. I believe she did.
Q. What did she say? Did she say -- you tell me.
A. I believe she said that she's going to do it. I mean, after we hung up, my understanding was that this is going to happen at one point.
Q. Where was it going to happen?
A. I didn't know at the time. 7685

Q. So she said she'd do it, but she didn't say she would do it that day?
A. Well, there was not specific conversation about how, when, where it's going to happen. But I think, if I remember correctly, the conversation end up that it's going to happen. My understanding, if I remember correctly at the time, was that she's coming to Neverland to get it done.
Q. Okay. So at the end of the conversation, you believe Janet's agreed and she's going to come to Neverland to do the film?
A. As I remember, yes.
Q. About what time is it at this point?
A. I would say 9:00-ish, 10:00-ish, at night.
Q. At some point did you learn or decide -- let me strike that, start over.
At some point did you decide that the filming was not going to take place that night at Neverland?
A. I'm sorry, say that again. Me deciding, or --
Q. Yes.
A. Well, I was informed it's not going to happen at Neverland.
Q. Okay. Who informed you of that?
A. I believe it was Marc Schaffel.
Q. You believe?
A. Well, Marc Schaffel, I think. It was Marc 7686

Schaffel.
Q. And how did you hear from Marc Schaffel that that was not going to take place at Neverland that night?
A. I believe it was a phone conversation.
Q. So you had -- was this the first phone conversation? Second? You tell me.
A. I believe could be second.
Q. And did you receive some instructions from Mr. Schaffel regarding the filming on that second phone conversation?
A. If I remember correctly, he informed me that Janet, the mom, is going to -- is going to be in L.A. She's in L.A. Therefore, we're going to shoot this in L.A. He asked me if I can shoot that in my house. I respond to him that if we can shoot it at his house, but then he said he doesn't want them to remember where he lives. So we ended up shooting at my house.
Q. Mr. Schaffel said he didn't want who to know where he lived?
A. I believe the family.
Q. So what did you do then?
A. I informed my crew that this production will not take -- this shoot will not take place at Neverland. I let them know that they should pack the equipment. And then I got the three kids and we drove back to my house. 7687

Q. After you spoke to Mr. Schaffel and learned that the shoot was going to take place at your house, did you have a conversation with Joe Marcus, the Neverland Ranch manager?
A. If I remember correctly, I -- when I arrived at Neverland, I let him know why I'm there, to shoot this interview. Then later, I informed him that it's not going to happen here at Neverland, it's going to be at my house, and I'm taking the kids with me.
Q. Did you tell him that you were going to do the shoot with the mother and the kids?
A. I believe so.
Q. What was Mr. Marcus's reaction when you told him that you wanted to take the kids off of Neverland?
MR. MESEREAU: Objection; hearsay.
MR. AUCHINCLOSS: Offered in furtherance.
THE COURT: All right. I'm going to admit it for the limited purposes previously discussed on the conspiracy issue.
Q. BY MR. AUCHINCLOSS: What did Mr. Marcus tell you when you informed him that -- of your intent to take the children --
A. I believe he said --
Q. -- to your home?
A. I believe he said, "They're not allowed to leave the property." 7688

Q. You believe that or did --
A. I did --
Q. Do you remember what he said?
A. I remember he said, "They're not allowed to leave the property."
Q. At some point did you confront him with the intent or did you confront him with the necessity to have the children go down to your home to complete the video shoot?
A. Well, at one point I believe I informed him that the video that we were supposed to shoot at Neverland, it's not going to take place, and it's going to be at my house.
Q. Uh-huh.
A. So the kids are coming with me.
Q. Did he agree to anything at that time during that first conversation with you in terms of letting the kids off the property?
A. He agreed?
Q. Yes. Did he agree with you about anything during that first conversation you had with Joe Marcus where he told you that the kids are not allowed off of the property?
A. What do you mean, did he agree? Do you mean letting them go with me, or --
Q. Yes.
A. I don't remember hearing anything from him.
Q. Okay. What did you do then? 7689

A. Then I let the kids know that within, like,
15 minutes we're going to take off, So get your
stuff ready.
Q. What did you do in the next 15 minutes?
A. If I remember correctly, I went to help my
crew so we can pack the car, the equipment back to
the car, and take off.
Q. Did you see Joe Marcus again before you left
Neverland?
A. I believe I did.
Q. Did you talk to him about getting the kids
off the property?
A. I'm not sure if I had a conversation with
him about that, but he saw me leaving.
Q. All right. So you were allowed to leave
Neverland when you drove off the property, when you
wanted to leave the property?
A. Yeah, that's right.
Q. And how much time went by between the time
that you first told Joe Marcus -- or when Joe Marcus
first told you the kids are not allowed off
Neverland and the time that you actually drove off
of Neverland?
A. I would say approximately half an hour.
Q. When you went down to the theater to collect
your equipment, where was -- where did Joe Marcus
go, or where was he?
A. I don't know. 7690

Q. Did he come with you?
A. No.
Q. Do you know if he had any conversations with anybody during that meantime?
A. I'm not sure.
Q. All right. So you took the kids, personally you loaded them up in one of the vehicles?
A. That's correct.
Q. How many vehicles?
A. I took two vehicles of mine to Neverland.
Q. Okay. And which vehicle did the kids go in?
A. I had a Suburban for the equipment and the crew, and a BMW for myself, basically.
Q. Okay. Which one did the kids go in?
A. The BMW.
Q. And you drove that?
A. That's correct.
Q. And did you drive straight to your home?
A. That's correct.
Q. About what time was it when you ultimately arrived at your home?
A. Approximately 11:00-ish.
Q. And what did the children do during the drive down from Santa Barbara?
A. We had some little conversations, and they went to sleep.
Q. Your home is in Calabasas?
A. West Hills. 7691

Q. West Hills. So you arrived at your home about 11:00. What did you do then?
A. I immediately started loading equipment to the area that I was going to shoot, and let the kids play with video games and things like that.
Q. Do you have some video games at your home?
A. Yeah.
Q. Some fancy ones?
A. Not really.
Q. Okay. So they played video games?
A. That's right.
Q. All three of them?
A. I guess the guys. She was -- I don't know what she was doing. I don't remember exactly. But she was there, too.
Q. Did they stay in one area of the house during that period?
A. Yeah.
Q. And were your two assistants still with you?
A. Yes, they were.
Q. Was there anybody else at the house when you first arrived, other than you, your assistants and the Arvizo kids?
A. No. Just us.
Q. Did someone arrive at the house shortly thereafter?
A. Yes.
Q. Who was that? Who was the first person to 7692

1 arrive?
2 A. I believe was Christian Robinson, and
3 another gentleman by the name of Paul, which is an
4 associate of Marc Schaffel.
5 Q. Had you met Paul before?
6 A. Yes.
7 Q. On what occasion?
8 A. In the year 2001, Mr. Jackson did the
9 project "What More Can I Give?" And Paul was
10 involved somehow with that production helping
11 Schaffel.
12 Q. Did you set up your equipment for the shoot?
13 A. At my house, yeah.
14 Q. During that period, did anybody else show up
15 at the house after Christian and Paul arrived?
16 A. Another gentleman; I believe was Brad
17 Miller.
18 Q. Did he arrive by himself?
19 A. I believe so, yes.
20 Q. Had you ever seen Brad Miller before?
21 A. No.
22 Q. Have you ever seen him since that night?
23 A. No. On T.V., I guess, once.
24 Q. And he arrived by himself?
25 A. I believe so.
26 Q. Did you have any understanding of what Brad
27 Miller was doing at your home that night?
28 A. No. And I remember asking Christian who 7693

this guy is, and they said, "Don't worry about it. It's just a private detective."
Q. Have you ever done any video shoots where there was a private detective invited to watch at a home that the shoot occurred at?
A. No.
Q. Did you ever see Brad Miller do anything that evening?
A. He was walking around my house.
Q. Did anybody else arrive at your home?
A. Vinnie and the mother.
Q. Janet Arvizo?
A. That's correct.
Q. Do you know about what time they arrived?
A. I would say towards midnight.
Q. All right. So how was the preparation going at this point for the video shoot?
A. Well, me and my crew were setting up the lighting. Mainly I'm doing the lighting, background, sound and that kind of stuff. They're bringing the equipment in.
Sorry.
And Janet was getting her makeup done. And the kids were just, you know, playing with games and stuff like that.
Q. Did anybody do Janet's makeup for her?
A. I don't believe -- she did her own makeup.
Q. And how did you feel at this point about 7694

this scene, if you can characterize it in terms of the time, the people? Was there anything unusual about this?
A. Well, timing was a little -- you know, kind of getting late. Also having Brad Miller in my house, I didn't really feel comfortable.
Q. Had you met Vinnie before?
A. Yes.
Q. And prior to the shooting of the video, did you become aware of any problems that Janet had, any additional problems that Janet expressed concerning the shooting of the video?
A. I think there was a problem with the contract or the release that they were asking her to sign.
Q. Okay.
A. And if I remember correctly, Vinnie asked me to use my fax machine and that kind of things.
Q. And you say "they" were having a problem with her?
MR. MESEREAU: Objection; misstates the evidence.
Q. BY MR. AUCHINCLOSS: Well, I believe you said, "...They were asking her to sign." Who were "they"?
A. I believe it was Paul and Vinnie and potentially Christian Robinson.
MR. AUCHINCLOSS: Okay. So if I could have 7695

the Elmo briefly, Your Honor.
Q. I'm showing you again Exhibit No. 194 which you previously identified as your home. Can you identify that perspective for me?
A. Yeah, this is a view of my living room.
Q. And does this area -- does this photograph depict any area of the part of your home that was used in the video shoot?
A. That's correct.
Q. Which area? Explain it to me.
A. This is where I set up the background.
Q. Uh-huh.
A. I believe the family were sitting approximately in this area. And my camera was like -- it's off of this frame, but about this area.
Q. You've indicated the background was in the center of the carpeting, the carpet, or I should say rug?
A. Right about there.
Q. And then the seating area was at the front, between the two carpets?
A. About there.
Q. The two rugs. And then your camera was down outside the frame of the picture?
A. Outside this frame.
Q. Below it.
Okay. And where were the boys and Davellin during the period of the downtime when you were 7696

preparing the video shoot?
A. That's my T.V. set-up, so that's where they were sitting. It's like a little coffee table and a little video game stuff.
Q. Where was the discussion that was taking place between Janet, Paul, Vinnie and possibly Christian?
A. In the other room, which is out of this frame.
Q. Showing you Exhibit 193, would you identify that area?
A. That's, well, like a billiard room, kind of.
Q. Is that the area you're saying that the conversation took place in?
A. That's correct.
Q. Now, you said you have a fax machine?
A. That's correct.
Q. Where is your fax machine in your home?
A. Upstairs. I have three rooms upstairs, and one of them's an office.
Q. Do you know which of those individuals went upstairs? I believe you said Vinnie went and used the fax. Anybody else?
A. Not that I remember. I think it was Vinnie.
Q. Thank you.
So how much time passed between the time that Janet arrived at your home and the time that you started shooting the video? 7697

A. I would say a couple of hours, approximately.
Q. How much time went by in which Janet was -- how long did this discussion take place between Janet, Vinnie, Paul and possibly Christian?
A. I would say half an hour.
Q. How much time did it take for you to set up the video equipment?
A. I would say hour to hour and a half.
Q. Did you hear any of the conversation between Janet and these other parties about the consent form?
A. Did I hear any conversation?
Q. Yeah. You told us the general context of the conversation. Did you hear any specifics about what the issue was about signing this consent?
A. No, I did not.
Q. Can you tell me what Janet's demeanor was? What was her -- what was her mood like? How did she act about this?
A. About the --
MR. MESEREAU: Objection; foundation.
MR. AUCHINCLOSS: Well, that's fine. I can lay a better foundation.
Q. You mentioned that Janet had a problem with signing the consent form.
A. That's correct.
Q. Why do you say that? What do you base that 7698

on?
A. Because I observed that they're looking at the contract, and she was going through it, and there was some, I guess, words that she was not happy with or the content of this contract. And then at one point Vinnie asked me to use my fax machine, I guess to get faxed in or out, to redraft that contract, some sort.
Q. During that period of time that you were observing Janet and these individuals, did you have a chance to see what her demeanor was like? Do you know what I mean by □demeanor□?
A. Yeah, like an attitude?
Q. Yeah. What was her attitude like?
A. Um --
Q. Did you have a chance to notice that?
A. I was very busy setting up equipment, so I didn't really pay attention to each individual's, you know --
Q. Right.
A. -- attitude or whatever. She was, I guess, normal. I guess. I don't know.
Q. Did she seem happy about it?
A. Um --
Q. About this thing they wanted her to sign?
A. She wasn't happy about the assignment, or I mean the contract that she wanted to sign, as I understood. 7699

Q. So ultimately you do the video shoot?
A. Yes.
Q. Do you know if she signed anything that night?
A. I believe she did.
Q. Did you see her sign something?
A. No, I did not.
Q. Okay. Why do you say you think she did?
A. Because it looks like Marc's people were happy.
Q. Okay.
A. So --
Q. So you do the video shoot. Was it a continuous shoot or were there segments?
A. I believe we shot one-hour interview, and each of these professional tapes are 30 minutes. I don't believe there were so many cuts in it, so we continued rolling camera, basically. Maybe one or two cuts in between, if any.
Q. So how much video footage did you shoot total?
A. I would say approximately an hour.
Q. At the conclusion of the -- of this project, when you finished shooting it, what happened? After you finished it, you've got the videotape. What happened next?
A. Well, we wrapped equipment and everybody left. 7700

Q. Okay. Did you see who left with whom?
A. Not specifically, no.
Q. Did you provide the videotape that you had shot to anybody, any member of the group that had come from -- well, did you give that tape to anybody that night? Let me just put it that way.
A. No, I didn't.
Q. Did anybody want that tape?
MR. MESEREAU: Objection. Calls for speculation; vague; foundation.
MR. AUCHINCLOSS: I can ask the question a little better.
THE COURT: All right.
Q. BY MR. AUCHINCLOSS: Did somebody ask you for that tape?
A. I believe Paul, Marc Schaffel's associate.
Q. Was there a discussion with Paul about him getting the tape that night?
A. He asked me to turn him -- turn over the tapes to him.
Q. Yes.
A. And I refused.
Q. Did anybody else ask you to turn those tapes over, other than Paul?
A. Maybe Christian.
Q. Okay.
A. I'm not sure.
Q. Why did you refuse to turn the tapes over? 7701

A. Well, first of all, I wanted to make a copy so in case -- as insurance, to have a second copy of that tape. Also, there was some other issues that were not resolved by then, so I kind of kept the tape for that.
Q. At the conclusion of the evening, did you spend some time with Janet, any time privately with Janet?
A. Yes, I did.
Q. When did that occur in relationship to the end of the video shoot and everybody leaving?
A. It was towards the end of when everybody was leaving. At the end of the shoot.
Q. Do you remember who was still at the home at that time?
A. Everybody was there.
Q. Did you have a purpose in meeting her separately?
A. Yeah.
Q. What was your purpose?
A. I -- I remember I gave her, like, a loan.
Q. Okay. What was -- let me back up. During the period of time that you first became acquainted with the Arvizos to the time of this shoot, how many separate meetings would you say you had with the Arvizo family?
A. Including the kids?
Q. Yeah. 7702

A. Six, seven.
Q. Did you get to know them?
A. Yeah.
Q. How did you feel about the Arvizo family?
MR. MESEREAU: Objection. Vague;
foundation; relevance.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you at some point
that night decide to give Janet Arvizo a loan based
on your own desire?
A. Did I decide?
Q. Yeah.
A. Yeah.
Q. You did.
A. Yeah.
Q. Did Janet Arvizo ever ask you for any money?
A. No.
Q. Did she ever request anything from you?
A. No.
THE COURT: All right. We'll take our break
now.
MR. AUCHINCLOSS: All right.
(Recess taken.)
Q. BY MR. AUCHINCLOSS: Okay. I think where we
left off, we were talking about --
THE BAILIFF: Is your microphone on?
MR. AUCHINCLOSS: It is now, yeah.
Q. We were talking about the end of the video 7703

shoot and your having this private conversation with Janet. When you had that private conversation with Janet, did you give her some money?
A. That's correct.
Q. And I think I've already asked you, did she ever ask you for that money?
A. No.
Q. Whose idea was it to give Janet some money?
A. It was mine.
Q. During that period of time that you were with the Arvizo family, did you form any kind of affection for this family during this period of time?
MR. MESEREAU: Objection; relevance.
MR. AUCHINCLOSS: Goes to his --
MR. MESEREAU: And leading.
THE COURT: All right. The objection is overruled.
You may answer.
THE WITNESS: I kind of felt sorry when I -- about the whole family, about Gavin being -- you know, being sick, and, you know, close to dying from cancer, and that kind of thing.
So -- and then over the video shoot that we had in, I believe, October 2000, I worked with Star and Gavin very closely, so we became kind of, you know, buddies --
Q. BY MR. AUCHINCLOSS: Okay. 7704

A. -- in a way.
Q. Okay. Were those the reasons why you did this act?
MR. MESEREAU: Objection; leading.
MR. AUCHINCLOSS: I'll strike that.
Q. Did what you have just described have anything to do with your decision to give Janet some money?
A. I'm sorry. Repeat that question one more time.
Q. You just described that you had some affection for Gavin and Star and you were sad about the hardship of Gavin's cancer.
Did your feelings towards the Arvizo family have anything to do with your decision to give them -- give Janet some money?
A. Yeah.
Q. Okay. And how much money did you give Janet?
A. $2,000.
Q. Did you envision that she would pay this back some day?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Can I answer that?
Q. BY MR. AUCHINCLOSS: Yes, you can answer it.
A. Well, I told her that, "This is a loan, a personal loan, from me to you, and pay me whenever 7705

you have the money.
Q. And did you have a date that you envisioned getting this money back by?
A. No. I left it up to her.
Q. During the period of time that you were working on this rebuttal film, and I mean the entire film, not just the portion with the Arvizos, did you work with -- did you spend any time at Mr. Schaffel's home?
A. Yes, I did.
Q. What did you do at Mr. Schaffel's home?
A. Mostly rough editing, meaning I would go through Mr. Jackson's archival footage, find certain footage from concerts to some other material. And while we were creating this new footages for the interviews, then I would make a rough cut. And then the production company who was assigned to do this entire video, Brad Lachman Productions, would do the final editing.
Q. During this period of time, did you ever have an opportunity to overhear Mr. Schaffel talking on the phone?
A. As I remember, there were a couple of times that I had, like, questions that I wanted to ask Marc Schaffel, and I would walk from the room where we set up the equipment, like the editing equipment, to his office, and, you know, he would be on the phone or things like that. 7706

1 Q. Did you ever hear him making any remarks
2 concerning getting people out of the country?
3 MR. MESEREAU: Objection. Leading;
4 foundation; move to strike.
5 THE COURT: Overruled.
6 You may answer.
7 THE WITNESS: If I remember correctly, one
8 occasion I walked into the room, and I think I heard
9 Schaffel saying, "We're going to get them out of the
10 country."
11 Q. BY MR. AUCHINCLOSS: Do you remember hearing
12 that?
13 A. To my best recollection, yes.
14 Q. Was there anything about the context of that
15 conversation that struck you as unusual?
16 A. Not at the time.
17 Q. Did you know what he was talking about?
18 A. Not at the time.
19 Q. Did you know who he was talking to?
20 A. No.
21 Q. So at some point you said that during 2003,
22 you were -- you ended your relationship as Mr.
23 Jackson's personal DP; is that correct?
24 A. Well, Mr. Jackson stopped calling and using
25 my service.
26 Q. Okay. Was there a specific date that was
27 associated with that change?
28 A. I think after that rebuttal documentary, 7707

1 ?The Footage You Were Never Meant To See? --
2 Q. Yes.
3 A. -- I guess after that, basically that was
4 the last project that Mr. Jackson used my services.
5 Q. Were you ever terminated?
6 A. Terminated -- well, they just stopped using
7 my service.
8 Q. Were you ever informed that your services
9 were no longer required?
10 A. I received a letter from --
11 Q. That's ?yes? or ?no.?
12 A. Yes.
13 Q. Okay. So tell me, do you remember what date
14 that was?
15 A. I believe it was February 21st of 2003.
16 Q. And when did ?The Footage You Were Never
17 Meant To See,? that rebuttal video, when did that
18 air on the network?
19 A. I believe it was February 20th of 2003.
20 Q. Did you watch it on T.V.?
21 A. Yes, I did.
22 Q. Did Mr. Jackson ever contact you after that?
23 A. If I remember correctly, the day after, he
24 called me. Mr. Jackson called me.
25 Q. And what was the substance of -- what was
26 the purpose of that phone call?
27 A. He thanked me for my good work.
28 Q. Did you have any conversations with him -- 7708

well, let me strike that.
Does Mr. Jackson still owe you the $250,000 that had been promised?
A. Part of this is paid, but there's still a substantial amount of unpaid invoices that has not been paid yet.
Q. Did you bring that up with Mr. Jackson?
A. I -- I believe I had one conversation to him about my invoices not being paid. But I had hundreds of conversation with his personal assistant, his accountant, all his agents, including his managers, and his lawyers.
Q. Okay. My question is, did you bring that up to Mr. Jackson on the 20th when he called you -- or was it the 21st --
A. The 21st.
Q. -- the 21st when he called you and said you did a good job on the rebuttal video?
A. I believe I mentioned that for the very first time that my invoices are not being paid.
Q. Okay. Later that day, did you receive a communication from Mr. Jackson's attorney?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Yes, go ahead.
THE WITNESS: Yes, I did.
Q. BY MR. AUCHINCLOSS: What was his name?
A. David LeGrand. 7709

Q. And can you tell me what the substance of
that communication was?
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Can you tell me....
It's offered in furtherance, Your Honor.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Is that the day that
you were terminated?
MR. MESEREAU: Objection. Misstates the
evidence; move to strike.
MR. AUCHINCLOSS: That's fair.
Q. Is that the day that you were informed --
THE COURT: Stricken.
Go ahead. Next question.
Q. BY MR. AUCHINCLOSS: Is that the day that
you were informed that your services were no longer
required by Mr. Jackson?
MR. MESEREAU: Objection; misstates the
evidence.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were you ever informed
that your services were no longer required by Mr.
Jackson?
MR. MESEREAU: Objection; asked and
answered.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: When were you informed 7710

that your services -- when were you informed that
Mr. Jackson no longer needed your services?
MR. MESEREAU: Objection. Misstates the
evidence; leading; move to strike.
THE COURT: Overruled.
You may answer.
THE WITNESS: I believe was February 21st,
by a letter.
Q. BY MR. AUCHINCLOSS: Okay. How did you
receive that letter?
A. By fax.
Q. Was it before or after you spoke with Mr.
Jackson on the phone?
A. After.
Q. Did you continue to make any efforts to have
your outstanding bill paid by Mr. Jackson?
A. Yes, I did.
Q. What did you do?
A. I made several communications between Mr.
Jackson's accountant, managers, personal assistant,
and his lawyer, David LeGrand. I have provided them
with my invoices, and I basically let them know
that, you know, my invoices are not being paid and
they are due immediately. And it was failed.
Q. Did you ever make an attempt to contact Mr.
Jackson again personally about your outstanding
invoices?
A. I remember I made a conversation with Mr. 7711

Jackson's personal assistant, Evvy, and I explained to her that my invoices were promised to be paid at certain date, and they are not, and that I'd like to make a meeting with Mr. Jackson to discuss these matters.
Q. So did you attempt to meet with Mr. Jackson?
A. I did.
Q. When was that?
A. The meeting was supposed to be, I believe, February 26th of 2003.
Q. And how did you go about attempting to contact Mr. Jackson on that date?
A. I believe I spoke to Evvy, Mr. Jackson's personal assistant, and I was informed that Mr. Jackson will come to L.A. from Florida at certain date, and that I can meet with Mr. Jackson, have a meeting with him and go through these issues.
Q. Did you go to Neverland that day?
A. I did.
Q. And was Mr. Jackson there?
A. When I arrived at Neverland, Mr. Jackson was not there.
Q. What did you do?
A. I talk -- I spoke to, I believe, Joe Marcus, and I told him the reason I'm in Neverland, to meet with Mr. Jackson. And he informed me that Mr. Jackson is on his way, coming home right now, so why not just wait for him. 7712

Q. Did you wait for him?
A. Yes, I did.
Q. Did Mr. Jackson show up?
A. I saw Mr. Jackson arriving, yes.
Q. Did he arrive with anybody?
A. I believe with his entourage, like Miko and bodyguards, and I think maybe his own kids.
Q. You previously mentioned Miko, identified his picture. Is he a part of Mr. Jackson's entourage?
A. Sometimes he travels with Mr. Jackson.
Q. Do you know what his relationship is with Mr. Jackson?
A. I would say friend/associate, some sort. Personal assistant kind of.
Q. All right. So where were you when Mr. Jackson arrived at Neverland?
A. I was waiting for Mr. Jackson outside the main house in the little catering area, and just waiting for him so he can -- you know, so I can have this meeting with him.
Q. And did you see him?
A. I saw Mr. Jackson coming in.
Q. Did he see you?
A. I believe he did.
Q. Could he have missed you?
MR. MESEREAU: Objection; calls for speculation. 7713

MR. AUCHINCLOSS: That's fair.
Q. Where were you standing in relationship to Mr. Jackson when he walked in his house?
A. Again, I was behind the main house on the north side of the main house. There's a little catering area, kind of, a little bar kind of. It's not like a liquor bar, but like a little catering bar area.
Q. Okay.
A. I was just waiting. There were two tables there. I was just sitting and waiting.
Q. Was that in clear view where Mr. Jackson walked?
A. I believe, yeah.
Q. You could see him clearly?
A. Yeah.
Q. How far away were you from him?
A. I would say 30 feet, 40 feet.
Q. Did he acknowledge you?
A. Um, that I'm there?
Q. Yeah. Did he even -- did he acknowledge that you were there in any way?
A. Mmm --
MR. MESEREAU: Objection. Foundation; calls for speculation.
THE COURT: Overruled.
THE WITNESS: I don't remember whether he saw me, I mean eye contact or not, but I felt like 7714

that he knows that I'm here.
Q. BY MR. AUCHINCLOSS: Okay. Did he wave, say anything to you, do anything to acknowledge your presence?
A. Not at that moment.
Q. Did he do it at some other time?
A. Well, I -- I received a call.
Q. Okay. So Mr. Jackson walks inside -- did he go inside his house?
A. He was going inside his house.
Q. Okay. And you were still sitting where you were sitting?
A. That's correct.
Q. What happened after that?
A. They informed me that there's a phone call for me.
Q. How much time passed between the time that Mr. Jackson walked into his house and you were informed that there was a phone call for you?
A. I would say five to ten minutes.
Q. Did you go inside and take this phone call?
A. Yes, I did.
Q. Who was it from?
A. Evvy called me, Mr. Jackson's assistant.
Q. And what was the purpose of this call?
MR. MESEREAU: Objection. Foundation; hearsay.
THE COURT: Sustained. 7715

Q. BY MR. AUCHINCLOSS: Did you do something after you talked to Evvy?
A. I left the property.
Q. Has Mr. Jackson ever paid you the money he owes you?
A. Not in full.
Q. Have you had to take legal action to try and get your money?
MR. MESEREAU: Objection. Leading; assumes facts not in evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I have filed a lawsuit.
Q. BY MR. AUCHINCLOSS: After you terminated or after you stopped working the last time for Mr. Jackson, did you become aware that you were -- at any time that you were being -- that there was surveillance on you?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Did I know about surveillance being conducted on me? No.
Q. BY MR. AUCHINCLOSS: Did you give anybody permission to take your video, take videotapes of you?
A. No.
Q. And prior to your testimony today, did you 7716

review a DVD on this computer to my left of an
Exhibit No. 815? Did you review that?
A. Yes, I did.
Q. Is that image an image of you?
A. Yes, it is.
Q. Is that an image that you permitted or
allowed anybody to take?
MR. MESEREAU: Objection. Leading;
foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: No, I did not give permission
to anybody to follow me or take pictures of me.
MR. AUCHINCLOSS: Your Honor, there's one
last unpublished portion of 815 that I'd like to
publish for the jury at this time. We've previously
admitted the rest of that DVD.
THE COURT: All right. Is that on the
computer, or is it on --
MR. AUCHINCLOSS: That's on the computer, so
I'd ask for Input 1.
(Whereupon, a portion of a DVD, Plaintiff's
Exhibit No. 815, was played for the Court and jury.)
Q. BY MR. AUCHINCLOSS: Mr. Moslehi, whose
vehicle is that? We're looking at a -- appears to
be a large SUV in the center frame of this picture.
A. It seems to be my vehicle.
Q. And who is the individual that I've 7717

stopped -- where I've stopped this video at? Who is the individual that seems to be approaching that vehicle?
A. It seems to be me.
Q. Okay.
(Whereupon, a portion of a DVD, Plaintiff's Exhibit No. 815, was played for the Court and jury.)
MR. AUCHINCLOSS: That's it.
Thank you, Mr. Moslehi. No more questions.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Good afternoon.
A. Good afternoon.
Q. Mr. Moslehi, my name is Thomas Mesereau, and I speak for Mr. Jackson.
A. Nice meeting you.
Q. Same here.
You gave an interview on April 23rd of this year with Sergeant Steve Robel, correct?
A. Where was this?
Q. I'm not sure where. My understanding is that you were with your attorney, Mr. Dowling, correct? And you met with Sergeant Steve Robel of the Santa Barbara sheriffs. Do you recall that recent interview?
A. You said the 24th of 2004?
Q. The date that I have is April 23rd. Do you 7718

recall a recent interview with a Santa Barbara sheriff?
A. Of this year, 2005?
Q. Yes.
A. I believe so.
Q. Okay. And your lawyer was present, correct?
A. I don't remember my lawyer being present.
Q. Is your lawyer's name Mr. Dowling?
A. Alan Dowling.
Q. Alan Dowling, okay.
And when -- let me restate all this.
You recently interviewed with a Santa Barbara sheriff, correct?
A. That's correct.
Q. And when do you think that interview was?
A. Recent-recent or --
Q. The most recent interview you gave to a Santa Barbara sheriff.
A. The most recent was, I guess, two days ago.
Q. Right. Okay. And to your knowledge, was that with a Sergeant Steve Robel of the Santa Barbara Sheriff's Office; do you know?
A. I believe I was talking to another gentleman. Maybe he was present in and out or -- kind of things.
Q. Okay. Where did the interview take place?
A. This interview took place at Santa Barbara District Attorney's Office. 7719

Q. Okay. Do you know if any representative of the Santa Barbara District Attorney's Office was present at the interview you gave?
A. Yeah. I think, again, at the beginning, I was talking to Mr. Auchincloss. Then Mr. Robel came in and out.
Q. Okay.
A. And, yeah, Mr. Alan Dowling was there, too.
Q. Right. Okay.
A. Yeah. I'm sorry.
Q. And the purpose of the interview was to inform the prosecution for the first time that you had given money to Janet Arvizo, right?
A. The purpose of the interview was I guess an overall of what's going to be taking place in this courtroom --
Q. Okay.
A. -- when I take the stand.
Q. And in the interview, you admitted that you now recalled that you had given $2,000 to Janet Arvizo, right?
A. During that interview, yes.
Q. Yes. And you indicated to the Santa Barbara sheriffs that Janet had not ever directly asked you for money, right?
A. That's correct.
Q. But you also indicated with your attorney that Ms. Arvizo had described to you her financial 7720

1 situation from time to time, correct?
2 A. If I remember correctly, I had one
3 conversation with Janet Arvizo which took place at
4 Neverland, and this was right after the Martin
5 Bashir documentary.
6 Q. Yes.
7 A. And at that time, there were some
8 discussions as to her life is upside down, and, you
9 know, she can't work and things like this.
10 Q. But at some point she led you to believe
11 that her family was having some financial
12 difficulties, true?
13 A. What I understood from that conversation is
14 that she couldn't work and that they had to, you
15 know, move around because of the media and the press
16 following them.
17 Q. Right. She led you to believe at one point
18 that she was out of money, right?
19 A. We never discussed money with her. I mean,
20 she was just explaining to me what has happened to
21 her since the Martin Bashir documentary.
22 Q. But you got the impression at one point that
23 she needed financial assistance, correct?
24 A. Um, that she needed financial assistance?
25 Q. Well, let me restate the question.
26 A. Yes.
27 Q. In that interview you had with the Santa
28 Barbara sheriffs on April 23rd, 2005, your lawyer 7721

spoke to Sergeant Robel, correct?
A. That's correct. Alan Dowling.
Q. And he did so in your presence, right?
A. That's correct.
Q. And on your behalf, your lawyer indicated that you had learned about Janet Arvizo's dire financial circumstances, correct?
MR. AUCHINCLOSS: I'm going to object -- I'm going to object as to any comments about this lawyer as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Was one of the --
MR. AUCHINCLOSS: And I'll move to strike the question.
THE COURT: It's not necessary. Go ahead.
Q. BY MR. MESEREAU: Was one of the purposes of that meeting for you and your lawyer to explain why you gave $2,000 to Janet Arvizo?
A. One of -- yes.
Q. And on your behalf, your lawyer did at one point explain why, true?
A. I believe so.
Q. And at some point, it was your belief that Janet Arvizo was out of money, right?
A. Again, if I remember correctly, we didn't specifically talk about money. She was mainly complaining about her life being upside down because of this Martin Bashir documentary, and not being 7722

1 able to work.
2 Q. And the impression you got was that she
3 needed some financial assistance, right?
4 MR. AUCHINCLOSS: Objection; asked and
5 answered.
6 THE COURT: Overruled.
7 You may answer.
8 THE WITNESS: Could you repeat that again,
9 please?
10 Q. BY MR. MESEREAU: Yes. You got the
11 impression that Janet and her family could use some
12 financial help. That's why you made a loan, right?
13 A. Sure.
14 Q. Okay. You based your conclusion that Janet
15 needed financial help on what she had said to you
16 from time to time, right?
17 A. Could you repeat that one more time?
18 Q. Sure. Let me restate it completely.
19 You didn't just give her $2,000 for no
20 reason, right?
21 A. That's correct.
22 Q. You thought she could use it, right?
23 A. That's correct.
24 Q. You thought she needed it based on things
25 she had told you about she and her family, right?
26 A. Sure.
27 Q. She didn't directly ask for it at any time,
28 right? 7723

A. No, she never asked for it.
Q. But she led you to believe that their lives had been turned upside down and she needed some financial help, right?
MR. AUCHINCLOSS: Objection. Compound; misstates the evidence; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: Could you repeat that one more time? I'm sorry.
Q. BY MR. MESEREAU: Yes, okay. At some point -- let me restate the question. I'll withdraw the previous question.
A. Okay.
Q. At some point after numerous discussions with Ms. Arvizo, you formed the conclusion that she and her family could use some financial help from you, right?
A. After one conversation with her that night, February 19th, on the phone, I felt that they could use some financial assistance.
Q. Okay. And because you had reached that conclusion, you gave her $2,000, correct?
A. That's correct.
Q. You called it a loan, but you didn't expect to be repaid, correct?
A. Well, actually, I've been expecting to be paid. But if not, I can live without it. 7724

Q. Okay. I mean, realistically when you gave it to her, did you expect her to repay it?
A. I did.
Q. Did you --
A. I mentioned, "This is not a gift. It's a loan. It's from me."
Q. Okay.
A. "And pay me whenever."
Q. Okay. And has she ever repaid it?
A. No.
Q. Okay. Now, is the conversation where you spoke to her and then concluded she could use some financial help the 25-minute conversation?
A. Approximately.
Q. Okay. And to your knowledge, where was Janet Arvizo when you had this approximately 25-minute conversation?
A. At what location she was, you mean?
Q. Yes. If you know.
A. I don't remember.
Q. And did she call you?
A. No.
Q. Did you call her?
A. No.
Q. Where were you when you had the 25-minute conversation?
A. At Neverland.
Q. Okay. And do you know approximately what 7725

1 date that conversation took place?
2 A. I believe it was February 19, 2003.
3 Q. Okay. So the impression you got that Janet
4 could use a little help was formed before the
5 rebuttal video was filmed at your home, true?
6 A. That's true.
7 Q. The rebuttal video was filmed at your home
8 the next day, right?
9 A. Well, the morning after.
10 Q. Okay.
11 A. Once, you know, it goes over midnight, the
12 date changes.
13 Q. Now, are you familiar with a company called
14 I Films, Inc.?
15 A. That's my company.
16 Q. Is that still your company?
17 A. Yes, it is.
18 Q. And the services you provided to either Mr.
19 Jackson or Mr. Jackson's company has been on behalf
20 of I Films, Inc., right?
21 A. That's correct.
22 Q. Okay. And that's a corporation, obviously,
23 right?
24 A. That's correct.
25 Q. Okay. And I believe you said you've been
26 providing services for Mr. Jackson for a long time,
27 correct?
28 A. From 1996 to 2003. 7726

Q. Okay. All right. And when you've provided services for Mr. Jackson, you have periodically gone to different locations to provide the service, correct?
A. That's correct.
Q. And you have typically sent an invoice not long after you provide the service, right?
A. That's correct.
Q. All right. At some point you dealt with a company called Brad Lachman Productions, Inc., right?
A. That's correct.
Q. And to your knowledge, who is Brad Lachman Productions, Inc.?
A. It's a production company that FOX hired to put the rebuttal documentary together.
Q. Okay.
A. Final editing.
Q. And was it your understanding that that rebuttal documentary was being done by FOX Television?
A. What do you mean, by FOX Television?
Q. Well, you mentioned FOX, correct?
A. Yeah, it was supposed to be aired by FOX.
Q. And to your knowledge, was FOX involved in the production in any way?
A. Could have been.
Q. Okay. When you were doing the filming, was 7727

it your belief that FOX was somehow involved at that point?
A. Well, I never met anybody from FOX Television to discuss certain matters, but most of the communications came from Brad Lachman Productions.
Q. Okay. And you signed an agreement with Brad Lachman Productions on approximately February 14th, 2003, right?
A. I don't remember.
Q. Would it refresh your recollection if I just show you that document?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that document?
A. I never been provided with that document.
Q. But do you see your signature on the document?
A. It seems to be my signature.
Q. Okay. Do you recall what the purpose of that document was?
A. There was an interview of me being used in that rebuttal documentary.
Q. Okay. And when you were interviewed, who did your interview, if you know?
A. Brad Lachman Productions. 7728

Q. Okay. Did they choose an interviewer to actually interview you?
A. I believe they did.
Q. And do you recall where your interview took place?
A. In a hotel.
Q. Okay. And was that prearranged by somebody?
A. I believe so.
Q. Okay. And I gather the purpose of that interview was to allow you, who had known Michael Jackson, to say good things about him?
A. Well, actually that interview was supposed to be the rebuttal, to be used for the rebuttal documentary that we were working on titled, Footage You Were Never Meant To See.
Q. Right.
A. To respond to some of the comments that Martin Bashir made.
Q. And the reason you were interviewed was that when Martin Bashir was filming his interview with Michael Jackson, you were also filming that interview, true?
A. That's correct.
Q. And Bashir had arranged to film the interview separate and apart from what you were doing, right?
A. There were two different cameras and two different angles. 7729

Q. Yes. And you were filming it at the request of Mr. Jackson, right?
A. No.
Q. Who were you filming it at the request of?
A. Myself. There was no request as far as me recording it. I decided on my own.
Q. But certainly Mr. Jackson knew you were there, right?
A. Yes.
Q. And you were right next to Mr. Jackson doing your filming while Bashir was doing his filming of Mr. Jackson, right?
A. That's correct.
Q. And your intention was to make sure you had a full copy of all the questions and answers between Bashir and Michael Jackson?
A. Repeat that question one more time.
Q. Yes. Maybe I wasn't clear on that. Your intent was to try and film a complete copy of the interview between Bashir and Michael Jackson, right?
A. Actually, my intention was just to document this interview on my camera.
Q. Yes, okay. And one of the purposes was not to allow Bashir to have exclusive possession of what he had done in that interview, right?
A. Would you repeat that one more time?
Q. Sure. I'm sorry if I'm unclear. 7730

If you hadn't filmed Mr. Bashir's interview with Michael Jackson, logic suggests that the only person that would have had a copy of that interview would have been Bashir, right?
A. Well, you see, there were like two different cameras, one single scene. So meaning if there was not my camera in there --
Q. Yes.
A. -- the only other camera that would have been in there would have been Martin Bashir's camera.
Q. Yes. And if that had been the case, Mr. Bashir could have selectively used, or not used, whatever parts he wanted and he would have had control of all the product, right?
A. Yes.
Q. And when you saw the Bashir documentary, you knew that there were parts where Mr. Bashir had said positive things about Michael Jackson that he had left out of his documentary, right?
A. That's correct.
Q. And the reason you were being interviewed by Brad Lachman Productions was because the intention was to have some of those parts that you had filmed appear in the rebuttal video, right?
A. That's --
MR. AUCHINCLOSS: I'm going to object; relevancy and beyond the scope. 7731

MR. MESEREAU: I believe he opened the entire door, Your Honor.
THE COURT: The objection's overruled.
Q. BY MR. MESEREAU: In fact, the title of that documentary on television was, "The Michael Jackson Interview: The Footage You Were Never Meant To See," right?
A. That was the title of the rebuttal video, that's correct.
Q. And the words "The Footage You Were Never Meant To See" were supposed to apply to footage you had?
A. That's correct.
Q. That Bashir had never used, right?
A. That's correct.
Q. That included footage where Mr. Bashir was complimenting Mr. Jackson on what a parent he was, right?
A. That's right.
Q. Complimenting Mr. Jackson on what a good person he was, right?
A. That's correct.
Q. He was complimenting Mr. Jackson on his wonderful role in the world involving children, right?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Right? 7732

A. Do I answer?
THE COURT: Yes.
THE WITNESS: Yeah.
Q. BY MR. MESEREAU: He had footage about Mr. Jackson wanting an international day in honor of children, right?
A. I'm sorry. Say that again.
Q. Mr. Bashir, in his interview, talked to Mr. Jackson about Mr. Jackson's desire to have a day around the world in celebration of children, right?
A. Yeah.
Q. And your belief at that time was that Mr. Bashir had presented a very distorted view of that interview with Mr. Jackson, correct?
MR. AUCHINCLOSS: Objection; calls for a conclusion.
MR. MESEREAU: State of mind, Your Honor.
MR. AUCHINCLOSS: Relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: Say that one more time.
Q. BY MR. MESEREAU: Yeah, I'm sorry. Sorry. Your role in the television show titled, "The Michael Jackson Interview: The Footage You Were Never Meant To See," was to talk about the footage you had in that interview that Bashir didn't use, right?
A. That's correct. 7733

Q. And that was footage that was very positive about Mr. Jackson, true?
A. Most of Martin Bashir's comments were positive.
Q. Yes. And the agreement you signed with Brad Lachman Productions related to the fact that you yourself were going to appear in that documentary, right?
A. That's correct.
Q. So your role in that documentary was not just filming people. It was actually appearing yourself, right?
A. At one point, yes. I basically did an interview to appear in that with the permission of Mr. Jackson.
Q. Okay. That's why you signed an agreement with Brad Lachman Productions, Inc., right?
A. Just for that interview.
Q. Yes.
A. For my interview, yes.
Q. Okay.
A. Not the footage.
Q. But the consent was to use your likeness and your words in the show, right?
A. My image, my voice in the show.
Q. Yes. Okay. And you signed that on February 14th, 2003, right?
A. Again, I don't -- I don't think I have the 7734

copy of that, but if that's what it says, I believe so.
Q. Okay. And that is what it says, and you think that's accurate?
A. I'm sure. If you tell me, I believe you.
Q. Okay. You believe that's accurate, the date I showed you, right?
A. I didn't pay attention to the date. I was just looking at my signature.
Q. Would it refresh your recollection just to see the date?
A. Sure.
MR. MESEREAU: May I approach?
THE COURT: Yes.
THE WITNESS: Sure.
Q. BY MR. MESEREAU: Have you had a chance to look at the document?
A. No.
(Laughter.)
THE WITNESS: Oh, right now? Oh, I'm sorry. I thought you were talking about the entire thing.
Q. BY MR. MESEREAU: Okay. Have you had a chance to look at the date on the document?
A. I looked at the date of the document just right now, yes.
Q. And does it refresh your recollection that it was signed on February 14th, 2003?
A. I believe so. 7735

Q. All right. Now, I gather from what you've said that you decided at some point that your role in this rebuttal documentary titled, "The Michael Jackson Interview: The Footage You Were Never Meant To See," was to be both participant and help film portions of it, right?
A. Would you repeat that one more time?
Q. Yeah, and I think -- I think you've said this. You were both interviewed to appear in it, and you also were doing footage yourself?
A. Sure.
Q. Okay. Okay. And I believe you told the prosecutor that the footage you took of the Arvizos you decided to retain yourself at some point, right?
A. Well, I -- well, what happened is, it remained in my possession and it was not turned over that night.
Q. Okay. Okay. And one of the reasons was you wanted to make sure you got paid, right?
A. One of the reasons, if I remember correctly, was that Mr. Jackson's managers, his agents, they promised me certain things.
Q. Right.
A. And they did not fulfill their promise.
Q. So you thought you would get paid either that night or the next day, right?
A. Yes.
Q. And that didn't happen? 7736

A. That didn't happen.
Q. So you were retaining control of the video to make sure you were paid properly, right?
A. Well, I figured I did everything that I promised them, but they not fulfill their promise, so I'm going to stop doing whatever I was doing until I get paid.
Q. Okay. Now, how many interviews did you do yourself to help prepare the rebuttal show?
A. How many interviews I shot, or --
Q. Yes, how many did you shoot? You, yourself.
A. Of other people?
Q. Yes.
A. For that rebuttal documentary?
Q. Yes. You did the Arvizos, obviously.
A. We did Arvizos. We did Mr. Jackson's parents. I believe Debbie Rowe.
Q. Okay.
A. Mr. Jackson's makeup artist.
Q. That's Karen Faye?
A. Karen Faye.
Q. Okay.
A. That's what I remember right now.
Q. Do you recall whether or not you did an interview with Mr. Jackson's physician? Pardon me, I'm sorry, that's not -- that's not phrased well. Do you recall whether or not you filmed any footage of an interview with Mr. Jackson's 7737

physician?
A. Do you have a name? Because Mr. Jackson has a lot of physicians.
Q. Do you recall doing anything like that?
A. No.
Q. Okay.
A. Not any physicians that I remember.
Q. And were you involved with Brad Lachman Productions while you were doing these filmings?
A. I had some involvement with them.
Q. Okay. And what was the involvement you had with Brad Lachman Productions?
A. Providing footage to them from Mr. Jackson's archival office and some new footage that we were shooting.
Q. Okay. Okay. Now, was it your understanding that you would be paid for the actual interview you did?
A. No.
Q. Okay. You were expecting payment for the film footage that you did, right?
A. For my services.
Q. Yes, okay. All right. And I believe you testified that the footage of the Arvizos that you did never appeared in that television documentary, right?
A. That's correct.
Q. Did you, yourself, deal with anybody from 7738

FOX when it came to preparing this documentary?
A. I don't believe so.
Q. Do you recall at one point complaining that Martin Bashir had used footage of you in his televised interview with Mr. Jackson?
A. Did I ever complain?
Q. Yes.
A. To who?
Q. To anyone, that you had appeared in this documentary without your permission.
A. I discussed with some people that I was in that documentary without my permission, but I wasn't really complaining, because, you know, it's just --
Q. But your position certainly was that you had appeared in the Bashir documentary without any permission from you, right?
A. I did not sign anything to Martin Bashir to use me in that video, but then he did and -- you know, it was okay with me.
Q. Did you ever send a letter to anyone complaining about the fact that Bashir had used you in his documentary without your permission?
A. Send any letter?
Q. Yes, about the unauthorized use of your likeness by Bashir.
A. I received a letter from Mr. Jackson's lawyer asking me to sign that document that you're talking about. 7739

Q. Okay.
A. But I never did.
Q. You never did, okay.
A. I never did.
Q. Okay. But your position at the time was he had used your likeness without any authorization from you?
A. He never ask me if we can do that, but he used it.
Q. Now, he was not some friend of yours, was he, Mr. Bashir?
A. We became friends, kind of.
Q. Okay. Did you remain friends?
A. I'm sorry?
Q. Did you remain friends?
A. After the air -- after the airing it?
Q. Yes.
A. I guess not.
Q. Okay.
A. I've never seen the guy again.
Q. Okay. All right. Around March of 2003, you were represented by a law firm named Greenberg Traurig, correct?
A. March 2003, that's correct.
Q. And Greenberg Traurig is a large law firm with different offices around the country, right?
A. That's correct.
Q. And they were representing you in your 7740

desire to get paid, right?
A. That's correct.
Q. All right. And you were asking to be paid for the work you did, right?
A. For my services and out-of-pocket expenses.
Q. But you were also asking for more money than that, correct?
A. What do you mean by that?
Q. Well, your lawyer claimed that you were promised you would be compensated above and beyond the moneys set forth in your invoices, right?
A. Mr. Jackson's managers, Ronald and Dieter --
Q. Right.
A. -- they promised me percentage of the net profit of this -- of this documentary.
Q. Yes. So your position was that you not only should be paid what was in your invoices, but that you should be given a profit percentage of what was made on the whole show, right?
A. They promised me that all my invoices for the last year and a half that has not been paid at the time, approximately $250,000 --
Q. Right.
A. -- will be paid in full, plus a percentage of the net profit.
Q. Yes. And obviously they never came through with that, did they?
A. They never fulfilled their promise. 7741

Q. Okay. And at some point did you learn that they had been caught stealing close to a million dollars from Mr. Jackson?
MR. AUCHINCLOSS: Objection; assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. MESEREAU: At some point did you ever learn that they were stealing anything from Mr. Jackson?
A. No.
Q. Okay. But you were dealing with -- excuse me, I'm going -- sorry.
Your lawyers were dealing with a lawyer for Mr. Jackson named David LeGrand, right?
A. That's correct.
Q. And to your knowledge, Mr. LeGrand had an office in Las Vegas?
A. That's correct.
Q. Okay. Did you ever talk to him personally yourself?
A. Yes, I did.
Q. And at some point you turned that over to your lawyers, right?
A. To my lawyer, yes.
Q. To deal with him directly?
A. Yes.
Q. Okay. Now, when you say that Dieter and Konitzer promised you a net profit's interest in 7742

1 that rebuttal documentary, what did you believe
2 a net profit's interest meant?
3 A. A percentage of, like, the gross sales or
4 net profit of it, some sort.
5 Q. Is that what Dieter and Konitzer promised
6 you?
7 A. That's correct.
8 Q. The two of them?
9 A. That's correct.
10 Q. All right. And you took the position that
11 you owned a copyright interest in the footage you
12 had done, right?
13 A. What footage?
14 Q. The footage that you did to put together the
15 T.V. documentary about The Footage You Were Never
16 Meant To See, right?
17 A. That's correct.
18 Q. All right. And what did you mean by your
19 having a copyright interest?
20 A. I'm the author of this footage, and because
21 no payment has ever made for those, I'm claiming
22 ownership of it.
23 Q. Okay. Okay. So you claim that you owned an
24 interest in footage that was used in that television
25 documentary, right?
26 A. That's correct.
27 Q. And did you ever see that television
28 documentary? 7743

A. The Footage You Were Never Meant To See?
Q. Yes.
A. Yes.
Q. And that was narrated by Maury Povich, correct?
A. That's correct.
Q. Okay. When did you first meet Dieter?
A. The very first time?
Q. Yes.
A. 1996.
Q. So you knew Dieter before he was doing anything for Mr. Jackson, correct?
MR. AUCHINCLOSS: Objection; assumes facts.
THE COURT: Overruled.
You may answer.
THE WITNESS: I met Mr. Dieter during the History tour, Mr. Jackson's world tour, and his position was merchandising.
Q. BY MR. MESEREAU: Okay. He said he was trying to merchandise something involving Mr. Jackson, correct?
A. He was doing the merchandising of that tour, I believe.
Q. Okay.
A. With a promoter.
Q. With a promoter you said?
A. Yeah.
Q. And who was the promoter, if you know? 7744

A. Avram.
Q. Okay.
A. Forgot his name. Mr. Avram.
Q. After you met him in 1996, did you do any business with Dieter, other than what you have described today?
A. After 1996?
Q. Let me rephrase it. Bad question.
You met him in 1996, right?
A. That's correct.
Q. After you met him in 1996, did you do any business with him?
A. Until like from 1996 till sometime -- I mean, are you giving me a time frame or --
Q. Yes. Between the time you first met Dieter in 1996 --
A. Okay.
Q. -- and the events you've described today --
A. Okay.
Q. -- did you personally do any other business with him?
A. "Business" meaning financial business-type of -- no. No.
Q. Did you have any involvement with him at all between the time you met him in 1996 and the events you've described today?
A. When you say "involvement," what do you mean by that? 7745

1 Q. Were you in communication with him at all?
2 A. Sometimes.
3 Q. And when did you start communicating with
4 him after you first met him in 1996?
5 A. Well, just an example would be we're on the
6 tour, and he's doing merchandising --
7 Q. Right.
8 A. -- and we will just see each other and say
9 Hi at a venue, let's say, and he would show like
10 the new jackets that he designed and things like
11 that.
12 Q. Okay.
13 A. Basically that kind of -- that kind of, you
14 know, interaction.
15 Q. Right. After the tour ended, when did you
16 next communicate with Dieter?
17 A. I would see Dieter once in a while --
18 Q. Okay.
19 A. -- with Mr. Jackson.
20 Q. Okay. And that would be in Los Angeles?
21 A. Various locations.
22 Q. And your understanding was that he was
23 trying to merchandise memorabilia, jackets, things
24 like that, involving the name Michael Jackson,
25 right?
26 A. For the tour.
27 Q. Yes. Okay. Your understanding was he was
28 trying to merchandise products, correct? 7746

A. That's correct.
Q. Products like jackets, right?
A. Sure.
Q. Jackets that were supposed to be associated with Michael Jackson, right?
A. Sure.
Q. Okay.
A. Mr. Jackson's name would be on it.
Q. Right. Right. And when did you first meet Konitzer, if you know?
A. I believe late 2002. I would say in November, December 2002.
Q. Okay. You didn't meet him when you first met Dieter, right?
A. No.
Q. Okay. Okay.
THE COURT: All right. Let's take our afternoon recess.
8:30 tomorrow morning. Remember the admonitions.
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7582 through 7747 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 26, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 26, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304